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THE WORKING OF PARLIAMENTARY INSTITUTIONS IN EGYPT
1924-1952.

Thesis prepared for the degree of Ph.D.
by
M.F. El-Khatib.

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by

M.F. El-Khatib,
B.Com.(Pol.Sc.), Cairo.



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Chapter IV : The Cabinet _____

Chapter V : The Executive System

Chapter VI : The Senate

1. The Legislative Function

2. The Control over the Executive

Chapter VII : The Chamber of Deputies

C O N T E N T S

	<u>Page</u>
Chapter I : <u>Politico-Social Background</u>	1
I. A Brief Survey of the Political Development leading to the promulgation of the Constitution on April 19, 1923	1
II. Socio-Economic Conditions on the Eve of the promulgation of the Constitution	33
III. The Political Development after the promulgation of the Constitution	44
Chapter II : <u>Political Parties</u>	66
I. Major Political Parties	67
The Wafd	67
The Saadist Party	107
The Liberal Constitutionalist Party	128
II. Minor Political Parties	136
The National Party	136
The Independent Wafdist Block	140
The Socialist Party of Egypt	144
The Labour Movement and the Egyptian Labour Party	148
Chapter III : <u>The Monarch</u>	155
Chapter IV : <u>The Cabinet</u>	212
Chapter V : <u>The Electoral System</u>	258
Chapter VI : <u>The Senate</u>	314
I. The Legislative Function	332
II. The Control over the Executive	356
Chapter VII : <u>The Chamber of Deputies</u>	374

Conclusion :		448
Appendix I :	<u>1923 Constitution</u>	454
Appendix II :	<u>Statistical Tables</u>	486
	Table I: Electorate's participation in elections	486
	Table II: Electoral and Parliamentary strength of parties	487
	Table III: Classification of Members of the Chamber of Deputies according to Education	490
	Table IV: Classification of Members of the Chamber of Deputies according to Occupation	491
Bibliography :	I : Arabic Works	492
	II : English and French Works	499

- (1) Journal of Parliamentary Institutions and Political Parties, 1966-1967, p.1-7.
- (2) It is interesting to notice that the "Sijil" like the Shari' of the 1930s, 1940s, 1950s and 1960s in the practice of the country of their origin. They were the "Sijil" of the people, to whom the people would carry in times of mourning and death. They were the sole repositories of peace, knowledge and justice in the country, and on them depended the building of the new regime." Al-Fatah, N.A.: The evolution of modern Egypt, p.8.
- (3) Ibid. p.11

CHAPTER I

Politico - Social Background

I - A Brief Survey of the Political Development Leading to the Promulgation of the Constitution April 19, 1923.

Parliamentary institutions, and the representative form of government were not a new introduction to Egypt. In recent history, during the French Expedition (1798-1801), Napoleon created various consultative councils to help him in governing the country. ⁽¹⁾ The "Special Council" (Ad-Diwanu'l-Khususi) was one of these. Although its members were appointed by the occupying Power, they represented various interested groups such as the 'Ulamā', i.e. the Muslim leaders; ⁽²⁾ the army; the merchants; the minorities, i.e. the Copts; and the French and other European communities. ⁽³⁾

This experiment was followed by others, in which the different representative institutions derived their functions from the will of the governor and the needs of the time. Thus

(1) Landau, J.: Parliamentary institutions and political parties in Egypt, 1866-1924, pp.1-7.

(2) It is interesting to notice that the 'Ulamā' "like the clergy of the Middle Ages, found power and wealth in the practice of sanctity of their vocation. They were the accredited leaders of the populace, to whom the people would resort in times of suffering and unrest. They were the sole repositories of peace, knowledge and justice in the country, and on them Napoleon decided to build his new regime." Rifaat, M.A.: The awakening of modern Egypt, p.8.

(3) Ibid. p.13

Mohamed Aly (1805-1848), in his turn established a large council under the name of the "Consultative Council" (Majlisu'l-Mushāwrah) consisting of high State officials of the central and local governments and the notables,⁽¹⁾ all of whom were chosen by the Pasha for their talents or some other qualifications. This council was an executive body and had a consultative function in matters of administration, education and public works. Its object was to advise the governor and assist him; but, because of the manner in which this council was formed, the will and interest of the Pasha swayed the members in all their decisions.⁽²⁾

Said Pasha (1856-1863), also had a kind of State Council composed of one of the princes of the ruling family, four high ranking military officers and four important State officials. The rôle of this council continued to be advisory. Like the above mentioned institutions, it had consultative and advisory functions rather than legislative; all of these institutions were meant to help the governor without interfering with his autocracy.⁽³⁾

A noticeable step towards semi-parliamentary institutions was taken during the reign of Ismail Pasha (1863-1879). In 1866,

(1) The figures of representatives were: 33, 24 and 99 respectively.

(2) Lane, E.W.: The manners and customs of the modern Egyptians p. 115; Shafiq, A: L'Egypte moderne et les influences étrangères p. 24; Subhi, M.Kh: Tārikhu'l-Hayāti'l-Niyābiyah Fi Misr, Vol. IV, pp. 10-12.

(3) Landau: op.cit. pp. 7-8.

the "Assembly of Delegates" (Majlisu Shūra'l-Nuwwāb) was instituted. It was composed of seventy-five delegates who were elected indirectly, that is to say only ʿUmad and Mashā'ikh,⁽¹⁾ who were supposed to represent the people, were entitled to elect the members of this assembly. The President and Vice-President of the assembly were nominated by the Khedive. The delegates' mandate was for three years; the assembly's session was of only two months duration, and its sittings were not open to public. The Khedive had the right to convoke and prorogue the assembly, and to extend the duration of its sessions. The power of initiation resided in the Khedive's Government and Council, and the delegates had no right to take any initiative nor could they receive any petition whatever. The assembly could give only an advisory opinion which was to be submitted to the Khedive for endorsement or rejection.⁽²⁾

Although the assembly was constituted with merely consultative functions and without any legislative powers, it succeeded in enlarging its authority and in representing the people effectively. Most of the discussions were limited to problems of agriculture, irrigation, property and judiciary, the spheres of the personal

(1) ʿUmad is the plural of ʿUmdah who is the administrative chief or head of a village. Mashā'ikh is the plural of Shaykh who is the assistant of the ʿUmdah.

(2) Rifaat: op.cit. p.164; Awad, F.T.: La souveraineté égyptienne et la déclaration du 28 Février 1922, pp. 79-80; Aḥr-Rāfiʿi, A.R.: ʿAṣr Ismāʿīl, Vol. II, pp.78-81 and 287-298.

interest of its members. It showed an interest in discussing questions of education, the financial situation and the Budget. In spite of the absolute power of the Khedive to impose taxes, on August 7, 1876 he invited the assembly to an extraordinary session to discuss and approve a new tax called "Al-Mugābalah", (1) for he needed the approval of the assembly to ensure the help of its members in the collection of this tax. During the deliberations the members asked the government for a full explanation of its past, present and future financial proceedings and policy. To realize clearly how the assembly extended its functions one must consider the financial situation and problems of Egypt, and their significance in its politics of the sixties and seventies. (2)

Up to the time of Ismail, there were no political parties in Egypt. At most there were groups, loosely held together by one personality or another who was serving his own interests. Secret organisations could provide the basis for the growth of political parties, by virtue of the fact that they had some sort of organisation and ideals aiming at the common weal. It was because

(1) A measure introduced to redeem half of the land tax, and thereby pay the floating debt with the proceeds. In exchange for perpetual reduction of one-half of the tax, land-owners were to pay six years' land tax in advance. Rifaat: op.cit. p.155; Chirol, V.: The Egyptian problem, pp.26-27; Rothstein, Th.: Egypt's ruin. A financial and administrative record, pp.79-80.

(2) Cf. Wahīdah, Ṣ : Fi 'Usūli'l-Mas'ālātī'l-Misriyah, p. 170.

of the inadequate and unsatisfactory representation of the people that secret associations developed among different classes of society.

For instance, a secret organisation was formed among Egyptian officers to defend Egypt's interests against Turkish domination, especially in the army. Though the exact date of its formation, whether in the 1860's or the 70's, is unknown, it appeared openly on the political stage in 1879; and this appearance was due to the "discontent with religious laxity, economic depression and social discrimination."⁽¹⁾ Eventually this organisation of army officers developed into the "Patriotic Party" (Al Hizbu'l-Watani).⁽²⁾

Another organisation of the same pattern existed in Alexandria in 1879. It was called the "Union of the Egyptian Youth" (Miṣru'l-Fatāt) and was composed chiefly of intellectuals. Shortly after the accession of Khedive Tawfiq, the organisation presented to him a bold project of reform which can be summarized under the following headings: the separation of governmental powers, the establishment of ministerial responsibility, equality before the law, the creation of an independent house of representatives invested with well-defined powers, free elections, inviolability

(1) Landau: op.cit. p.131.

(2) Saleh, D.: Les pouvoirs du roi dans la constitution égyptienne, p. 110; Newman, E.W.P.: Great Britain in Egypt, pp. 38-40.

(1) Letter from Alexandria correspondent of The Times, January 20, 1882; Landau: op.cit. pp. 179-184.

of individual liberty and domicile, liberty of religion and the Press, guarantees of Egypt's public debts, and no imposition of taxes without a special law. No further evidence about this organisation is available after the beginning of 1880. Some of its members formed and supported the "Islamic Benevolent Society" (Al Jam'iyatu'l-Khayriyatu'l-Islamiyah), which had a philanthropic and educational character.⁽¹⁾

By the end of Ismail's rule and before his deposition, the name of the assembly was changed to "The Assembly of Deputies" (Majlisu'n-Nuwāb). When drafting a constitution for the country which this assembly should observe, the Prime Minister, Sherif Pasha, took into account the general spirit of the 1878 session of the Assembly of Delegates and its attitude in demanding wider power, particularly in supervising the Budget. This factor along with the Khedive's financial troubles, which decreased his absolute power, and his desire to show the European Powers his constitutional inclinations resulted in his bringing out a draft constitution tending to be liberal. The most characteristic features in that draft constitution were: the full liberty given to the delegates to express their views (§ 9); the responsibility of the ministers to the assembly for their decisions and acts (§§ 36, 43-44); the right of the assembly to have control over finance (§§ 45-46). A very significant principle was admitted: the right of the Sudanese

(1) Letter from Alexandria correspondent of The Times, January 20, 1882; Landau: op.cit. pp. 179-183.

to be represented in the new assembly by their own delegates (§ 34). Members of the assembly had the right to initiate legislation, and every Egyptian had the right to present petitions to the assembly through any of the delegates (§ 23). The sessions of the assembly were open to public (§ 14).⁽¹⁾ That liberal constitution never came into existence because of the intervention of European countries which resulted in the deposition of Khedive Ismail to be succeeded by his son Tawfiq. This latter dissolved the assembly in July 1879 and semi-parliamentary life was suspended for about two years.

The years between 1879 and 1882 were eventful ones in the history of Egypt. The secret organisation of the Egyptian officers had, by this time, developed into the Patriotic Party. In addition to the officers it embraced religious leaders, distinguished notables, merchants and high officials; in other words, the rich and middle class group with liberal tendencies. This party drafted a programme which dealt chiefly with constitutional and financial aims. Although it admitted the suzerainty of Turkey and the position of the Califate, it stressed the ability of the country to stand on its own feet without foreign intervention.

One part of the programme frankly stated that the party paid allegiance to the Khedive, but at the same time demanded a change

(1) Al-Ahrām, 12.1.1879, quoted by Aḥ-Rāfi'ī: op.cit. Vol. II, pp.194-200; Subḥī: op.cit. Vol. IV, p. 41; Ghosh, R.C.: Constitutional developments in the Islamic world, pp. 62-63.

in the constitution of the Assembly of Deputies: the assembly should be modelled on European parliamentary institutions with ministerial responsibility to it. The Khedive naturally opposed these demands because they were intended to curb his powers. The second part of the programme which tried to show that the revenues of Egypt were sufficient for its expenditure and for the payment of its public debts and liabilities, and which clashed with the views of the financial advisers who were working to declare the country "bankrupt,"⁽¹⁾ did not deny the foreign debts. It demanded a policy for their repayment by regular instalments to enable the country to get rid of European intervention, and for foreigners to pay taxes and to be subject to the laws of the country. Moreover, the party declared that it was a political party, aiming at the development of the political, economic and social conditions of Egypt. It believed that all Egyptians were equal, without any discrimination on account of difference of religion.⁽²⁾

The acknowledged leader of the Patriotic Party was Ahmed Uraby (1841-1911). He was an officer of fellah origin who reached the

(1) Although the word "bankrupt" could never be applied to a State the financial advisers insisted on using it to explain the economic inability of the country to repay its liabilities in time.

(2) The Times January 1882, quoted by A'r-Rāfi'i: A.R. Aḥṡ-Ṣhawrat l-Urābiyah, pp. 144-147; Blunt, W.S.: The secret history of the English occupation of Egypt, pp. 173-174 & 556 et seq.; Mou-Cho, L.: De la condition internationale de l'Egypte depuis la déclaration anglaise du 1922, p. 10; Urābī, A: Mudhakkirāt 'Urābī, Vol. I. pp. 116-118.

rank of colonel.⁽¹⁾ He was influenced as were most of his colleagues and supporters, by the teachings of Jamal El-Din Al Afghany.⁽²⁾ Uraby has received much praise and much abuse. He had a magnetic personality, which explains his influence on the officers and outside the army. His gift of oratory helped him to appear as the spokesman of the party. He was known as a man of character, patriotism, and courage.⁽³⁾

- (1) About Uraby's life and career see: Ibid, pp. 10-26; Newman op.cit. pp. 46-50.
- (2) On these teachings see Gibb, H.A.R.: Modern trends in Islam, pp. 27-28, where he sums them up as being aimed at inspiring a pan-Islamic movement through encouraging and enforcing nationalism in Islamic countries. At the same time while the pan-Islamic movement was directed against European penetration and intervention, the evils of the Muslim governments were vigorously attacked by Al-Afghany. About his influence in Egypt see: Landau: op. cit. pp. 140-146. Al-Afghany's most influential disciple, Shaikh Muhammad Abduh and his teachings had a very great effect on subsequent national movements in Egypt. Prof. Gibb in his above mentioned work exposes Abduh's teachings as follows: "1. The purification of Islam from corrupting influences and practices; 2. the reformation of Muslim higher education; 3. the re-formulation of Islamic doctrine in the light of modern thought; and, 4. the defence of Islam against European influences and Christian attacks." Gibb: op.cit. p. 33. Moreover, he mentions in p. 29 that Abduh's teachings resulted, by the end of his life, in the separation of religious issues from the political conflict. Cf. Alexander, J.: The truth about Egypt, pp. 1-2. For a more detailed study of Al-Afghany's and Abduh's teachings see, Adams, C.C.: Islam and Modernism in Egypt.
- (3) Ar-Rafi'i: op.cit. pp. 77-83; Ninet, J.: "Uraby Pasha," p. 39; Hocking, E.W.: The spirit of world politics with special studies of the Near East, p. 49.

With Uraby at its head, the Patriotic party led a nationalist movement aiming at the foundation of a representative responsible government and the elimination of the discrimination between Egyptians and foreigners. So liberal and progressive was this movement, that the Khedive, the reactionaries and the foreigners considered it a revolution. This movement which is known as the "Uraby's Revolution" led to foreign military intervention and ended with the British Occupation of Egypt in 1882. The leaders of this movement were tried and were either imprisoned or exiled.⁽¹⁾

To explain the sincerity of the "Uraby Revolt," and to refute all hostile criticism of this nationalist movement, it would seem sufficient to quote here from the written statement of the leader of that movement in his own defence. "I am no rebel," he said, "I led the nation in seeking the liberty of our country, and employed all honorable means to this end, respecting the laws and not thinking of self, as others say, but of the welfare of Egypt."⁽²⁾

(1) ^cUrābī: op.cit. Vol. II, pp. 148 et seq.; Amad, E.S.: La question d'Egypte, 1841-1938, pp. 55-56; Elgood, P.G.: The transit of Egypt, pp. 89-90; Cromer: Modern Egypt, Vol. II, p. 324. For a detailed study of the Patriotic Party and the Uraby Revolt see Landau: op. cit. Part II, Chapter II; Newman: op.cit. Chapter II.

(2) Ibid, p. 115.

(3) Newman: op.cit. pp. 283-291.

Moreover, the memorandum which Uraby wrote on Egypt's reform in November 1882 before his deportation, throws sufficient light on the intentions of the movement. In this memorandum Uraby prayed for a nationalist ruler for Egypt, "well acquainted with the country, popular amongst the Egyptians, of sufficient influence to impose his authority by moral force;"⁽¹⁾ two freely elected houses of legislature; ministerial responsibility, abolition of Capitulations,⁽²⁾ and equality between all inhabitants of Egypt; thorough reform of Egyptian judiciary and education; dismissal of unnecessary European officials; no discrimination to be applied between natives and foreigners in filling governmental posts; and care to be taken of the irrigation and other means of fertilising the soil.⁽³⁾

Before the British military intervention in July 1882 an election for a new Assembly of Deputies had been held in November 1881. It was the chief task of that assembly to frame a constitution which was promulgated in February, and became to be known as the Constitution of 1882. It is very striking to notice

(1) Ibid, p. 285.

(2) Capitulations were extraterritorial privileges or immunities of jurisdiction enjoyed by foreigners. They originated in the concessions and facilities given by the Ottoman Empire to Europeans in order to encourage the trade. In course of their development, the Capitulations created a status of political immunity of foreigners from all local jurisdiction and constituted a flagrant encroachment upon the sovereignty of the State. Encyclopaedia of Social Sciences, Vol. III, pp. 213-215; Amad: op.cit. pp. 129 et seq.

(3) Newman: op.cit. pp. 283-291.

that this constitution contained most of the rules and principles established by the draft constitution of 1879. This Constitution did not, however, last long; clearly it did not meet with any approval from the occupying Power.⁽¹⁾

After an investigation of the Egyptian administrative machine and the semi-parliamentary institutions the representative of the occupying Power, Lord Dufferin, whose duty was to lay down the foundations of self-government in Egypt presented his report which became the organic law of 1883. In this report, he suggested the creation of provincial councils and two semi-representative central institutions, i.e. the Legislative council (Majlisu Shūrā'l-Qawānīn) and the General Assembly (Al Jam'iyatu'l-'Umūmiyah)

The Legislative Council was composed of thirty members, fourteen of whom, including the President and one of the Vice-Presidents, were nominated by the Khedive and his ministers, and they were members for life. The remaining sixteen, including the second Vice-President, were elected for six years by the provincial councils and elector delegates from the cities. It was to meet four times a year on the first days of February, June, August, and October. Its powers were mainly consultative. It discussed legislation and the Budget, but it could not initiate legislation. The government could refuse to accept its advice but was obliged to explain to the council the reasons of such refusal.

(1) 'Urābī: op. cit. Vol. I. pp. 102-109; Ar-Rāfi'i: op. cit. Vol. II, pp. 200-206.

The second institution, i.e. the General Assembly was composed of the Ministers who formed the Khedive's Council, the members of the Legislative Council, and forty-six delegates elected indirectly for six years. Certain financial qualifications were required from any candidate for membership of the assembly. He had to be a tax payer of not less than £E. 50 a year, in addition to being literate and not less than thirty years old. The imposition of such qualifications was intended to curtail the representation of the masses. The General Assembly was to meet at least once every two years. Like the Legislative Council its powers were mainly advisory, but it was consulted in more important matters than those brought before the council. No direct tax could be imposed without its approval. The government was obliged to ask its opinion on public loans and the building of canals and railways. On the whole, the General Assembly could discuss any matter whatsoever and offer thereon advice, which the government was, however, entitled to reject.⁽¹⁾

This system of government was rightly stigmatised in the House of Commons as "a perfect sham of constitutional government."⁽²⁾

(1) See the text of Lord Dufferin's report in Newman: op.cit. 283-291; Elgood, P.G.: Egypt, p. 90; Chirol: op.cit. p. 88, Cromer: op.cit. Vol. II, pp. 271-274; Subhi: op.cit. Vol. IV, p. 41; Shafiq: op.cit. p. 135; R.I.I.A.: Memorandum on a study of the working of democratic institutions of government in Egypt, p. 1; Fay, R.W.: Episodes in Anglo-Egyptian relations, p. 7; Lambelin, R.: L'Egypt et l'Angleterre vers l'indépendance, pp. 62-63.

(2) Mr. Labouchere, Hansard Parliamentary debates, Vol. 276, 1883, p. 1310 quoted by Rothstein: op.cit. p. 237.

The powers conferred on the Legislative Council and the General Assembly were not very wide. They were mainly consultative and had very little real authority. Crippled as they were, these two bodies were the only parliamentary institutions in Egypt under the British Occupation. Within the scope of their rights and authority, they functioned regularly from 1883 to 1912.

One example of such functioning was the rejection by the General Assembly in 1910, of the proposal to extend the concession of the Suez Canal Company. The offer of the company held important financial advances to the government. "Financially the proposal was attractive enough; politically it was no doubt premature."⁽¹⁾ Therefore, at the same time as the Cabinet and their British advisers were considering the proposition to be a fair one, it was being bitterly attacked by the National Party and all other political groups, on the grounds that it would defer the date of Egypt's independence. In a special meeting lasting from February 9 to April 4, 1910, the assembly discussed the project, and when it was put to the vote the opposing majority was so great that the whole transaction was abandoned. This is a very important incident in the history of the assembly, as well as in the history of Egypt, because it was the first time that the government yielded to the assembly in such an extremely important financial and political matter.⁽²⁾

(1) Elgood: op. cit. p. 106.

(2) Alexander: op.cit. pp. 251, 283-289, 298-308 & 324-329;
Rothstein: op.cit. p. 358.

Hostility to the British Occupation had been continuous amongst the former partisans of Uraby, the anti-European element of the people, and the discontented officials. The progress of education and the development of the native Press contributed largely to the change in the general attitude towards politics. Educated Egyptians began to participate in political life and to form groups and parties whose various attitudes towards the British Occupation gave them their character.

The opposition to the occupation was cleverly exploited, at the end of the nineteenth century, by a youth named Mustafa Kamil, who formed a well organised group, which was moulded later into a political party. Born in Cairo in 1874, Kamil soon displayed his talents and earned praise at school. He studied at the Law School and was sent on a scholarship to France to continue his studies.⁽¹⁾ In Paris and Toulouse he had the opportunity to study not only law, but also political tactics and the methods of party organisation. He wasted no time in expressing the national demands of Egypt. He spent much time and energy convincing the Europeans and especially the French, of these legitimate demands. Being a good orator, he used to lecture on them giving the Egyptian point of view. Convinced of the importance of the Press, and with the intention of uniting educated progressive Egyptians, he published Al-Liwā³ in Cairo in

(1) Kaykal, M.H.: Tarājim Miṣriyah Wa Gharbiyah, p. 144; Alexander: op.cit. pp. 28-31.

1900. To canvass the support of the foreign element living in Egypt, and encouraged by the success of the Arabic organ, he published two dailies in French and in English in 1907.⁽¹⁾

In all these and in various other activities, Kamil was acting in name of those unorganised group of his colleagues who were feeling the suppression of political freedom, and who were opposing the occupation. Believing that greater efficiency and more success might be achieved if they were formed into a regular party on the Western pattern, they declared the existence of their organisation, calling it the National Party (Al Hizbu'l-Watani), in a public meeting held in Alexandria in October 1907.⁽²⁾ The discontent caused by the conclusion of the 1904 Entente between France and Britain, and the Dinshawai incident⁽³⁾ facilitated their task.

(1) Ibid, pp, 38-39.

(2) Al-Hizhu'l-Watani is the same name as Uraby's party called in this work the "Patriotic Party." To distinguish between the two, this one will be called the "National Party." A'r-Rafi'i A.R. Mustafa Kamil, pp. 255-256.

(3) Dinshawai is a small village famous for the pigeons which the inhabitants breed. A party of British soldiers visited the village to shoot the birds. At the sight of guns a misunderstanding arose on both sides - on those of the villagers and of the shooting group. The situation was complicated and resulted in injuries to some of the British group. Twenty were accused, and the severe punishment of death sentences on four and imprisonment and flogging of the rest was inflicted in public. On that incident see: Hocking: op.cit. p.54; Saleh: op.cit. pp. 180-181; Lambelin: op.cit. p. 96; Shafiq; op.cit. pp. 173-174; Schmitz, p.: La politique de violence de l'Angleterre dans la vallée du Nil, pp. 28-30; Lloyd: Egypt since Cromer, Vol. I. pp. 46-49; Brockleman C.: History of Islamic peoples, pp. 436-437; Elgood: op.cit. p. 104; Elgood: The Transit of Egypt. p. 46; Elgood; Egypt and the army, pp. 23 et seq.

The approval of the statutory rules and basis of this party - which is considered to have been the first of its kind in Egypt, was followed by the proclamation of its programme. It demanded the autonomy of Egypt as established in 1840 according to the London Treaty, the increase of the rights of the representative institutions and government, the widening of the scope of education, the recognition of the rights of Egypt's public creditors, the soothing of susceptibilities of foreigners in Egypt, and the strengthening of the ties of friendship with other people and nations especially the Ottoman Empire. This party laid down the foundations of the principles which became its main slogan: there should be no negotiations with Great Britain before the evacuation of its troops. On the whole, the National Party advocated political independence and freedom of rights. The party was one of the dominating political forces in the country until the Revolution of 1919.⁽¹⁾

There were some other minor parties which were almost entirely based on personal attachments to a leader. The steady decline and rapid disappearance of these parties as soon as the personages with whom they were connected died or fell from power proves that these parties were dependent on the influence of their leaders, and

(1) Alexander: op. cit. pp. 121-123; Mou-cho: op.cit. p. 20; Lambelin: op.cit. p. 99; Elgood: The transit of Egypt, pp. 146-148; Elgood: Egypt, p. 104; Ghurbāl, M.Sh.: Tarikhu'l-Mufawadati'l-Misriyati'l-Britaniyah, Vol. I, p. 27; Landau: op.cit. devotes Part II, Chapter IV for the study of the National Party.

that this leadership was the cloak of private ambition. The programmes of these parties show an amazing resemblance to one another, especially in connection with the internal issues. It was their attitude towards the British Occupation that differed and distinguished each of these parties from the others.

One of these parties was the Nation's Party (Hizbu'l-Ummah) which was an opponent of the National Party. If the latter is considered a liberal, the former was a conservative party, mainly composed of aristocratic elements and some of the westernized educated class. So long as this party was supported by Lord Cromer, the British High Commissioner whose unofficial encouragement brought it into existence as an antidote against the extremity of the National Party, no political or social programme materialised. When it got no support from Cromer's successor, it tried to gain popularity by calling for social reform, especially education, and demanding wider powers for the existing representative bodies.⁽¹⁾

From 1905, the semi-parliamentary institutions, i.e. the Legislative Council and the General Assembly, side by side with the political parties and groups, fought for the enlargement of the share of representatives in governing the country. They continued their efforts until the new organic law of 1913 created the Legislative Assembly (Al Jam'iyatu'l-Tashri'iyah).

(1) Lloyd: op.cit. Vol. I, p. 50; Landau: op.cit. pp. 253-259; Lambelin: op.cit. pp. 99-100; Ghurbal: op.cit. Vol. I, pp. 27-28; Elgood: The transit of Egypt, p. 145; Young, G: Egypt, p. 180.

The new assembly was composed of the ministers, sixty-six elected members and seventeen other members nominated by the government to secure the representation of the following categories and interests: four representing the Copts, three the Beduins, two the merchants, one the municipal councils, two the educationalists, one the engineers, and the remaining two were left to the choice of the government. In addition, the government had the power of appointing the President and one of the two Vice-Presidents of the assembly. The mandate of the assembly was six years with the replacement of one third of the members every two years. A new system of emolument was adopted, and the elected members were now allotted a definite sum every year as compared with the old system which had had been designed to cover the members' travelling expenses. The system of the elections for the Legislative Assembly was intended, it is said, to result in a real representation of the country. It was indirect giving a vote to each man who was at least twenty one years old. It was not mere chance, however, that, out of the sixty-six elected members in the first elections for the assembly, forty-nine were landlords and sound men of standing personally known to the electors. This may be due to the reliance of the candidates on intrigues and recommendations in high quarters without formulating any social, economic or political programmes

by paying attention to methods of agriculture, and irrigation, to railways, and to prices of cotton and other products. Al-Aqad, A.M.: *Said Tachib. Shikwa nahiyah*, pp. 154-155; Salah: *op.cit.* p. 185; *Istanbul: op.cit.* p. 97.

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and policies.

In spite of its name, the Legislative Assembly had only consultative functions and the real power resided in the Khedive, who was an absolute monarch, and his ministers who were responsible to him. The main difference in the functions of this assembly, in comparison with the others, was the increase in its powers concerning financial questions. Article 7 of the organic law stressed the necessity of the agreement of the assembly before imposing any new taxes. The Budget could be discussed by the assembly, except the parts concerning the civil list, the public debt and all obligations towards foreign Powers. In addition to the functions of the two older institutions the Legislative Assembly had the right to express its opinion upon government measures and to formulate projects of its own to be presented to the Council of Ministers. The assembly was convened for only one session, which lasted from January to June 1914. It was never convened again and

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- (1) Saleh: op.cit. p. 148; Elgood: op.cit. pp. 206-207;
Lloyd: op.cit. Vol. I, p. 142; Lambelin: op.cit. p. 104,
Chirol: op.cit. p. 111; Subhi: op.cit. Vol. IV, pp. 41-42,
R.I.I.A: op.cit. p. 1.

It should be noticed that a few candidates for membership of the assembly published programmes of their own. Amongst the few was Saad Zaghlul who led the nationalist movement in 1919, and whose programme can be summarised as follows: (1) Elimination of irregularities and reformation of the courts of law. (2) Extension of education to give equal opportunities for all classes. (3) Enactment of free Press law. (4) Improving the cleaning, lighting and paving of the streets of Cairo. (5) Improving the conditions of the agriculturalists by paying attention to methods of agriculture and irrigation, to railways, and to prices of cotton and other products. Al-Aqqad, A.M.: Sa'd Zaghlul. Sirah wa tahiyah, pp. 154-155; Saleh: op.cit. p. 185; Landau: op.cit. p. 97.

its meetings were postponed indefinitely.⁽¹⁾

When the First World War broke out, consultations between the acting British Consul General, and the British Foreign Office resulted in the proclamation that "in view of the state of war arising out of the action of Turkey, Egypt is placed under the protection of His Majesty and henceforth constitutes a British Protectorate."⁽²⁾ This declaration terminated the Ottoman suzerainty, and Britain interposed herself as the legal heir to Turkey in Egypt. This action was followed by the deposition of the Khedive, who was at the time visiting Turkey, and thus Britain had no significant challenge.⁽³⁾ The deposition of the Khedive was Britain's answer to his manifesto to Egyptians in which he said: "A foreign Power has been occupying our beloved country for thirty two years. The decisive hour of our liberation has come Note that our enemy is the British army of occupation and all those who collaborate with it"⁽⁴⁾

(1) Lambelin: op.cit. pp. 102-103; Chirol: op.cit. pp. 111-112; Newman: op.cit. pp. 174-175; Fahmy: M.H.: The legal principles governing the international status of Egypt, p. 148; Naguib, M.A.: Nature juridique du conflit anglo-egyptien, p. 26.

(2) The Times, 18.12.1914.

(3) Newman: op.cit. pp. 202-208; Chirol: op.cit. pp. 127-130; Lambelin: op.cit. pp. 108-109; Ghurbal: op.cit. Vol. I, pp. 40 - 45; Newman, E.W.P.: The Mediterranean and its problems, pp. 263-264.

(4) Amad: op.cit. p. 70.

During the war, in addition to the suspension of the Legislative Assembly, other political activities were eliminated. Meetings of more than five persons were prohibited. The military authority had a powerful hand and the intelligence service was very active. Prisons were filled with political suspects. Nationalist newspapers were suppressed and political news were put under censorship.⁽¹⁾ All these measures never weakened the nationalist movement, and when the war came to an end the people had a great hope for a brighter political life. The political awakening of the people, the unpopularity of the Protectorate, the banning of political activities under martial law, and the proclaimed principles of President Wilson inspired the national feeling. These factors along with the deteriorating social and economic conditions which appeared as a natural repercussion to the war, revived Egyptian nationalism.⁽²⁾

The flare up started peacefully, with the people demanding their natural rights to govern themselves, and the unification of Egypt and the Sudan. It was the first time since the British

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- (1) Elgood: op.cit. in Chapter XI, pp. 208 et seq. gives an account of conditions during the war.
- (2) Young: op.cit. p. 218; Chirol: op.cit. pp. 131 et seq.; Awad: op.cit. pp. 109-110; Lambelin: op.cit. pp. 120-121; Hocking: op.cit. pp. 55-56; Newman: op.cit. 264-266; Dutcher, G.M.: The political awakening of the East, pp. 20-21; Newman: Great Britain in Egypt, pp. 208-214; Centre d'Etudes de politique Etrangère: L'Egypte indépendante, p. 34; A'r-Rafi'i, A.R.: Thawratu Sanati 1919, Vol. I. pp. 54-59. Hayter, W.: Recent constitutional developments in Egypt, pp. 22-24.

Occupation that the people demanded complete independence. This may be due to the fact that before World War I Egypt was paying allegiance to the Sultan of Turkey, who was considered the Muslim Caliph, and this relationship was repudiated by the Protectorate declaration during the war. A delegation of three Egyptian leaders with the elected Vice-President of the Legislative Assembly,⁽¹⁾ Saad Zaghlul Pasha,⁽²⁾ at its head, speaking on behalf of the people, demanded from the British High Commissioner recognition of Egypt's rights and stressed their right to defend their case at the Peace Conference and in London.⁽³⁾

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- (1) The meetings of this assembly were postponed during the war for later dates: from October 1914, to January 1915, and then to April 1915 and then indefinitely. The assembly was never abolished officially until it was replaced by the Parliament established by the Constitution of 1923. After the promulgation of that Constitution, a law abolishing the assembly was published on April 30, 1923.
- (2) About Zaghlul, Lord Cromer said in his farewell speech: "Lastly, gentlemen, I should like to mention the name of one with whom I have only recently co-operated, but for whom, in that short time, I have learned to entertain a high regard. Unless I am mistaken, a career of great public usefulness lies before the present Minister of Education, Saad Zaghlul Pasha. He possesses all qualities necessary to serve his country. He is honest; he is capable; he has the courage of his convictions; he has been abused by many of the less worthy of his own countrymen. These are high qualifications. He should go far."
Quoted by Chirol: op.cit. p. 98.
- (3) Elgood: op.cit. p. 231; Lambelin: op.cit. p. 121; Shafiq: op.cit. p. 200; Ghurbāl: op.cit. Vol. I, pp. 52-54.

Egypt. p. 61; Wavell: *Alley in Egypt*, p. 40; *The history of the Egyptian people*, Manchester Guardian, March 30, 1925; Von De Borch, p. 110; *Alley in Egypt*, pp. 25-27.

A quick glance at the character of the formation of the delegation shows that it was intended to represent the nation. First of all, Saad Zaghlul Pasha, the elected Vice-President of the Legislative Assembly was supposed to be representing the great mass of the people. In the meantime the other two members of the delegation Aly Pasha Shaarawy and Abdul Aziz Bey Fahmy were representing the landlords and the intellegentsia, i.e. the middle class, respectively.

It is not easy to trace the origin of the leadership in this movement. Every person in the country was feeling the suppression of his rights and hoping for a change for the better. Many distinguished personalities were considering the necessary steps to achieve it. It is said that an intellectual of the ruling family, Prince Umar Tussun, on the one hand, and the Prime Minister, Hussain Rushdy Pasha, on the other, were planning to raise the voice of Egypt in the Peace Conference; but they were forestalled by the action of Zaghlul and his colleagues.⁽¹⁾

This action took place on November 13, 1918, which is considered the opening day of a new era in the history of Egypt.

(1) Tūsun, 'U: Mudhakkirah Bimā Sadara 'Annā Mundhu Fajri'l-Harkati'l-Waṭaniyah Min 1918 ilā 1928, pp. 4 et seq.; Shafiq, A: Hawliyatū Miṣru's-Siyāsīyah, Vol.I, pp. 144-145; A'r-Rāfi'i: op.cit. Vol.I, pp. 75-76; Al-'Aqqād: op.cit. pp. 186-196; Ghurbāl: op.cit. Vol. I, pp. 50-51; Youssef, A: Independent Egypt, p.61; Wavell: Allenby in Egypt, p.40; Ransome, A.: "The history of the Egyptian crisis," Manchester Guardian, March 30, 1925; Von De Bosch, F.: Vingt années d'Egypte, pp. 25-27.

The demands of the deputation, despite the recommendation of the High Commissioner, were refused by the British Foreign Office. This refusal aroused the national feeling to such a degree that even the Prime Minister was compelled to resign. By the end of 1918, a "Delegation" (Wafd) was formed with Zaghlul as President, and most of its members were members of the Legislative Assembly. Its programme was based on the achievement of national complete independence. Signatures were collected from every part of the country, giving the Wafd the mandate to represent the people and to speak in the name of the nation. (1)

The popularity of the Wafd was fought by the authorities. Thinking that its power lay in its leadership, Zaghlul and other three leaders were arrested and deported to Malta. (2) This increased the tension and the Revolution of 1919 started. Demonstrations spread everywhere; destruction of property, buildings, railway lines and telegraph and telephone wires occurred. This was the first time in the country's recent history that such a revolutionary movement covered all the country. Continual riots taking place everywhere compelled the British forces to interfere

(1) Young: op.cit. p. 232; Elgood: op.cit. p. 237; Fahmy: op.cit. p. 275; Lambelin: op.cit. pp. 121-123 and 128; Symons, M.T.: Britain and Egypt, p. 114, Hayter: op.cit. p.31.

(2) Von De Bosch: op.cit. p. 30; Howell, J.M.: Egypt's past, present and future, pp. 181-182; R.I.I.A.: Great Britain and Egypt 1914 - 1936, p. 8.

to quell the outburst.(1)

This move was a failure as the Revolution was flaring up all over the country and, being a popular one, was supported by all elements, men and women of different religions and different social classes. To face the Revolution, Britain nominated Lord Allenby, the Commander-in-Chief of the Palestinian campaign, as Special High Commissioner to succeed Sir Reginald Wingate, who had been recalled because of his failure.(2)

It is significant to point out that Allenby was a military man without previous political and administrative experience. "Of diplomacy he knew nothing, and he was inclined to despise its methods, but his prestige was high throughout the whole Near East"(3) The choice of such a person for this post was an indication of Britain's intentions towards the Revolution.(4) The curious phrasing of the orders and instructions to the strong

(1) On the incidents of the Revolution see: Lloyd: op.cit. Vol. I, pp. 298-300; Young: op.cit. pp. 238-242; Wavell: op.cit. pp. 40 et seq.; Elgood: op.cit. pp. 238-240; Chirol: op.cit. pp. 177 et seq.; Amad: op.cit. pp. 77-81; Schmitz: op.cit. p. 39; Lambelin: op.cit. pp. 129-135; A'r-Rāfi'i: op.cit. Vol. I, pp. 158 et seq.; Shafi'q; Hawliyat, Tamhid, Vol. I, pp. 246 et seq.; Newman: The Mediterranean and its problems, pp. 267-268; Sabry, M.: La révolution égyptienne.

(2) Young: op.cit. p. 235; Lambelin: op.cit. p. 136; Hourani, A.H.: Minorities in the Arab world, pp. 43 and 47-48.

(3) Newman: Great Britain in Egypt, p. 218.

(4) Schmitz: op.cit. p. 40; Awad: op.cit. pp. 111-112; Centre d'Etude de Politique Etrangère: op.cit. p. 42; "Egypt, A Kingdom", p. 483.

man shows the real objects of his mission. He was "directed to exercise supreme authority in all matters military and civil, to take all such measures as he considers necessary and expedient to restore law and order and to administer in all matters as required by the necessity of maintaining the King's Protectorate over Egypt on a secure and equitable basis."⁽¹⁾

Trying to find a gap in the leadership of the Revolution, Allenby encouraged the compromising elements who were hoping to reach an understanding with Britain. This attempt failed because of the strong public opinion and the political awakening of the people. Thinking that the release of the deported leaders would calm the country, Britain gave them the freedom to go where they pleased. Although the released leaders went to Paris to find some means of pleading the Egyptian case before the Peace Conference, the people did not accept their mere release as the end of their struggle: instead, strikes and riots continued all over the country. For the first time, civil servants as a whole joined the strikes in support of the Wafd.⁽²⁾

Faced by this state of affairs, Great Britain appointed a Special Mission to "enquire into the causes of the late disorders in Egypt and to report on the existing situation in the country and the form of the Constitution, which under the Protectorate,

(1) Cited in Dutcher: op.cit. p. 22.

(2) Elgood: op.cit. pp. 246-248; Newman: op.cit. pp. 221 - 222.

will be best calculated to promote its peace and prosperity, the progressive development of self-governing institutions and the protection of foreign interests."⁽¹⁾ The Mission, which was headed by Lord Milner, the Secretary of State for the Colonies, was boycotted by the people as had been expected; the only support they got was from the Sultan and his circle. The people believed that the Wafd and Zaghlul in Paris were their accredited representatives.⁽²⁾

After spending three months in Egypt, the Mission left, having learned the strength of Egyptian nationalism, and having become acquainted with the state of public opinion. Before their report was written, negotiations between the Mission and the Wafd took place through an intermediary from one of the moderate elements, Adly Yakan Pasha. They ended with the Milner - Zaghlul Agreement, which had been the basis of every further negotiation.

The agreement was based on the recognition of the independence of Egypt as a constitutional monarchy with representative institutions and having the right to representation in foreign countries, with certain reservations.⁽³⁾ This agreement was

(1) Cmd. 1131, Report on the special mission to Egypt, 1921, p.2.

(2) Ibid, pp. 3 and 4; Lloyd: op.cit. Vol. I, p. 354; Elgood: op. cit. pp. 251-255; Dutcher: op.cit. pp. 23-24; Centre d'Etude de Politique Etrangère: op.cit. p. 43; Lambelin: op.cit. pp. 142-144; Ghurbāl: op.cit. Vol.I, p. 62.

(3) Cmd. 1131, pp. 23-26.

attacked by some members of the Wafd as not fulfilling the demand for complete independence; but it was considered acceptable as a basis for further negotiations. Thus controversies in ideas about negotiations with Great Britain caused a split in the Wafd. Some of its leaders and members, influenced by the moderate trend, and thinking that the government would be more competent to negotiate with Britain than the Wafd, left it to form later in 1922 the Liberal Constitutionalist Party under the presidency of Adly Pasha.⁽¹⁾ The mission had been seeking for a gap between the leaders and the people; it succeeded only in exposing differences and splits amongst the leaders themselves.

It was not till 1922 that political conditions in Egypt began to clarify. In February 1922, Britain declared Egypt an independent sovereign State, in a unilateral declaration, which was accepted by the moderates who were holding office.⁽²⁾ It might be

(1) Amad: op.cit. p. 81; Mou-Cho: op.cit. pp. 31-32; Shafiq: Hawliyat, Tamhid Vol. II, pp. 80-83; Ghurbal: op.cit. Vol. I pp. 62 et seq.; Ebeid, W.M.: Complete independence versus the Milner scheme, pp. 10-11; Shafiq, A.: Mudhakkerati Fi Nisfi Qarn, Vol. III, pp. 273-275.

(2) The text of that unilateral declaration reads as follows:

"Whereas His Majesty's Government in accordance with their declared intentions, desired forthwith to recognise Egypt as an independent sovereign State; and

"Whereas the relations between His Majesty's Government and Egypt are of vital interest to the British Empire;

"The following principles are hereby declared:

"(1) The British Protectorate over Egypt is terminated and Egypt is declared an independent sovereign State.

"(2) So soon as the Government of His Highness shall pass an Act of Indemnity with application to all inhabitants of Egypt, martial law as proclaimed on November 2, 1914, shall be withdrawn.

the absence of the leaders of the Wafd, in exile for the second time, that enabled the moderates to accept it. It is significant to note here that this Declaration was based on the pattern of Milner-Zaghlul Agreement. The four reservations mentioned in the Declaration, were maintained in the Milner-Zaghlul Agreement. It is also interesting to notice that the Declaration which proclaimed the independence of Egypt did not give her the right to assume all the authority of a sovereign State. It laid down certain conditions to be fulfilled prior to the termination of martial law which would be suspended by the High Commissioner with the threat of British interference.⁽¹⁾

= "(3) The following matters are absolutely reserved to the discretion of His Majesty's Government until such time as it may be possible by free discussion and friendly accommodation on both sides to conclude agreements in regard thereto between His Majesty's Government and the Government of Egypt:

(a) The security of the communications of the British Empire.

(b) The defence of Egypt against all foreign aggression or interference, direct or indirect.

(c) The protection of foreign interests in Egypt and the protection of minorities.

(d) The Sudan.

"Pending the conclusion of such agreements the 'status quo' in all matters shall remain intact."

A detailed study of the Declaration is found in Mou-Cho: op.cit. pp. 39 et seq.

- (1) Cmd. 1131, pp. 23-26; Cf. Elgood: op.cit. pp. 266-261 and 287-288; The Declaration of February 28, 1922, and a note from Lord Allenby to the Sultan on the same day, The Times, 1.3.1922; Hocking: op.cit. pp. 123-127; Naguib: op.cit. p. 134; Awad: op.cit. pp. 121-122 and 130; Merton, A: "Constitutionalism in Egypt," p. 32.

In consequence of the Declaration of February 28, 1922, the Sultan assumed the title of "His Majesty the King of Egypt," and a royal decree establishing the basis and principles of the succession to the throne was promulgated. A committee of thirty members under the chairmanship of an ex-Prime Minister, Rushdy Pasha, was appointed to draft a constitution.⁽¹⁾ The Wafd did not take part in that committee because it was demanding a constituent assembly to frame the constitution. Most of the committee's members were those who later formed the Liberal Constitutionalist Party and the Unionist Party (known as the Palace Party). The reaction of the people was that demonstrations flared up, students went on strike and in shouting they declared their principles: "Down with false independence, down with the new King, down with Sarwat Pasha (the then Prime Minister), we want Saad Pasha (Zaghlul)."⁽²⁾

The Committee of the Thirty studied modern European constitutions and discussed the most suitable bases for the new constitution. They clashed with Britain when they tried to give the King the title of "King of Egypt and the Sudan." Britain threatened to revise the recent Declaration of February 1922, if any article in the constitution referred to the Sudan. This

(1) This committee will be referred to in this work as the "Committee of the Thirty." It may be interesting to point out that it is, sometimes, known in the history of Egypt as "Lajnatu'l-Ashqiya." Dareste, F.R.& P.: Les constitutions modernes, Vol. V. p.421.

(2) Dutcher: op.cit. p. 26; Cf. Von De Bosch: op.cit. p.15.

caused a delay in the promulgation of the constitution, as well as a ministerial crisis, which ended in the resignation of the Cabinet. The King, who was reluctant to proclaim the constitution, bowed to a British ultimatum and agreed to promulgate it on April 19, 1923 without making mention to the Sudan. (1)

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- (1) Ghosh: op.cit. p. 90; Lloyd: op.cit. Vol. II, p.72; Newman: op.cit. pp. 238 and 240-241; Howell: op. cit. pp. 201-202; Newman: The Mediterranean and its problems, pp. 278-281; Centre d'Etude de Politique Etrangère: op. cit. p. 49; Shafiq: Hawliyat, Tamhid, Vol. III, pp. 528-529; Al-Aqqad: op.cit. p. 420; Ghurbal: op.cit. Vol. I, pp. 116-117.

II - Socio-Economic Conditions on the Eve of the Promulgation of the Constitution

It would seem necessary before proceeding further with the study of the political background, to take a glance at the economic conditions of the country especially on the eve of the promulgation of the Constitution, i.e., in the nineteen twenties, because "man does not exist only as a ruler and ruled; man exists also as dealing with material nature and its forces."⁽¹⁾

Lying in the desert of North East Africa, with a superficial area of 363,000 square miles, Egypt does not receive much rain. Without the Nile, one of the most remarkable rivers geographically and historically, which runs through its territories, Egypt would have been a barren desert. It is just as true as it was centuries ago that "Egypt is the gift of the Nile." Apart from a few oases scattered in the Western and Eastern deserts, life has only existed in the Nile valley, i.e. the narrow strip of irrigated land stretching from Cairo to the southern frontiers, and in Lower Egypt, which is the delta formed from alluvial mud deposits, in the shape of a triangle whose southern apex is Cairo.

The inhabited area which can be irrigated from the Nile is only 13,000 square miles, on which lives a population of about 19,000,000.⁽²⁾ This means that the economic density

(1) Malik, C. "The Near East: The Search for the Truth", p.139

(2) R.I.I.A. The Middle East, a Political and Economic Survey, p.139. These are the figures of the 1947 census.

of population⁽¹⁾ is about 1,450 to the square mile, a density which is more than twice that of industrial countries of Europe.⁽²⁾ While the population has been increasing very rapidly, as in other Middle Eastern countries,⁽³⁾ e.g. from the level of 12.72 million in 1917 with a density of population of 965 to the square mile, the population reached 19.04 million in 1947; the cultivated area, however, is almost unchanged.

In spite of the high death rate - which has been considered the highest in the world,⁽⁴⁾ - the population has been increasing. This high death rate has been counterchecked by a birth rate of about forty per thousand,⁽⁵⁾ and this reveals the cause of the increase of population. The high death rate has been due to the spread of endemic disease amongst the population along with poverty. To this latter factor, as well as to the cultivation of cotton, which requires a dense population with a birth rate above the average, and which renders the child at a very early age a financial asset, to those and to the social factors forcing early age marriages, the high birth rate may be attributed.⁽⁶⁾

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- (1) It is important to distinguish between the "geographical density" of population which is the simple relation between total population and area; and the "economic density" of population which takes into account the economic resources of the country. Therefore in Egypt's case the economic density is the relation between the total population and the cultivated area. On this see Namek, Y.S.E. The Social and Economic Aspects of the Population Problem in Egypt, pp.193-200.
- (2) Warriner, D. Land and Poverty in the Middle East, p.26.
- (3) Prest, A.R. War Economics in Primary Producing Countries, p.126.
- (4) For details about death rate in Egypt, see Namek, op.cit. Chapter V, pp.120 et. seq.
- (5) Ibid, Chapter IV, pp.90 et seq. for details about Egyptian birth rate.
- (6) Issawi, C.: Egypt, an Economic and Social Analysis, pp.44-47.

It was truly said that "the peasant is imprisoned within the walls of his own agricultural system, year by year his numbers grow and the walls remain. The difficulties in attempting to break out are great."⁽¹⁾ These walls are the system of land tenure, an important subject in a country like Egypt, which is almost wholly dependent upon agriculture, because the system induces factors leading to poverty, indebtedness, ignorance and instability. The distribution of land ownership has been unequal and the following table shows that unjust distribution in 1920.⁽²⁾

Size of Holdings	Number of Owners	Percentage to the total number	Total area held in feddans	Percentage to the total area	Average holding in feddans
Less than 1 feddan	1,207,694	64.7	485,045	8.8	0.40
1-5 feddans	506,025	27.1	1,004,137	19.2	2.10
5-10 "	79,767	4.3	551,276	9.9	6.91
10-20 "	38,707	2.1	533,563	9.6	13.78
20-30 "	11,866	0.6	287,021	5.2	24.29
30-50 "	9,190	0.5	352,783	6.4	38.39
Over 50 "	13,512	0.7	2,261,527	40.9	167.37
Totals	1,866,761	100.0	5,535,352	100.0	2.96

As shown in the table, this average is 2.96 feddan, which is a quick glance at the table shows the inequality of the distribution of land. While 0.7 per cent of the proprietors owned 40.9 per cent of the cultivated land, the remaining 99.3 per cent of the land holders possessed 59.1 per cent of the land.

- (1) Keen, B.A. The Agricultural Development of the Middle East, p.109.
 (2) Crouchley, A.E. The Economic Development of Modern Egypt, p.258.
 1 feddan = 1.038 acres = 4,201 square meters.

In most cases, the owners of large-sized estates did not themselves cultivate the whole of their possessions, and therefore they frequently leased them to tenants, who cultivated them or sub-let them to the fellaheen (small farmers and agricultural labourers).

A comparative absence of middle-class land-owners, i.e. proprietors of 10 to 50 feddans, is clearly observed. This middle class group composed 3.2 per cent of the owners.

A very important feature is clearly illustrated in the table, i.e. the large number of those who possessed less than one feddan. It is a group which has been increasing in number because of the Islamic law of inheritance, which gives all children the right to inherit their parents' property generally in a ratio of two to one as between male and female. It is striking that nearly 65 per cent of land-holders possessed 8.8 per cent of the land, with an average holding for each proprietor of less than half a feddan, an area which could not be economically cultivated. Moreover, the aggregate average of the possession of landowners illustrates clearly the inadequacy of cultivated land. As shown in the table, this average is 2.96 feddan, which is not only a small area, but also proves the scarcity of land.

A tendency towards urbanization has been noticed. Egypt's urban population has shown a larger increase in number, though not solely on account of migration, than that of the rural districts. It may be a consequence of that phenomenon that

few of the big estates were directly managed by their owners. The following table shows the differences in the number and percentage of urban population in Egypt in three successive censuses.⁽¹⁾

Year of Census	Number of Urban Population	Percentage to the total Population
1907	1,550,000	13.9
1917	1,884,000	14.8
1927	2,448,000	17.3

Moreover, the influx of population into Cairo and Alexandria, the main two cities, could be illustrated by the following figures which show the percentage of the increase in population.⁽²⁾

	<u>1907-1917</u>	<u>1917-1927</u>
All Egypt	13.6	11.4
Cairo	16.6	24.5
Alexandria	25.6	28.8

What were the conditions under which the rural population of Egypt - the bulk of the inhabitants of the country - lived? The pattern of life in the Middle East, of which Egypt is a part, was described as "near starvation, pestilence, high death rate, soil erosion (and) economic exploitation....."⁽³⁾ The poverty prevailing in Egypt has been due to the constant increase of population, while the resources under exploitation have almost

(1) Bonne, A.: The Economic Development of the Middle East, p.27

(2) The Economist, Vol.CXXII, No.4821, p.119

(3) Warriner: op.cit. p.1

been unchanged. Moreover, the land tenure system is considered a fundamental cause of poverty.⁽¹⁾ In spite of the high productivity of agriculture, its real income has been probably the world's lowest. The level of money wages was very low: as little as seven piasters, i.e. one shilling and sixpence, for a twelve hour working day for an unskilled labourer in 1920.⁽²⁾ Revenue figures of agriculture pointed to an exceedingly low level of subsistence and to a per capita income which, whether earned in kind or specie, scarcely sufficed to cover the barest necessities of life.

This low level of earnings means that consumption even of energy producing food was very low. The chief item for the nutrition of peasants has been bread made of maize. Milk and meat have been considered luxuries. No wonder that pellagra, rickets and night-blindness have been some of the malnutritional diseases frequently met with. Moreover, the peasant has suffered from an all pervading disease caused by the absence of clean water, and from the filth and squalor resulting from the lack of building materials and fuel. It has been truly said that "the physical conditions of existence are peculiarly bad, since such disease is directly due to the methods of irrigation. There is no standard of living, (mere existence is accepted as the standard), anything lower would be death, as the high death rate proves."⁽³⁾

(1) R.I.I.A.: op.cit. p.181; Malik: op.cit. p.248

(2) Warriner: op.cit. p.38

(3) Ibid, p.38

The educational policy in Egypt during the British Occupation, and up to early in the twentieth century was severely criticised. Not only was expenditure on education so limited that at no time did it reach more than three per cent of the Budget, although illiteracy was about 85 per cent, but also the principal aim of that educational policy appeared to be to form a suitable class to meet the requirement of government service.⁽¹⁾ Nevertheless, there were some technical high schools along with Al-Azhar University. It is very significant to notice that the graduates of these high schools and university formed a group of the middle class, and were very effective in the nationalist movement.

A brief examination of the structure of Egyptian society seems important, as it may be of some help in showing who were the holders of political power. The Egyptian people were mainly divided into three social classes.⁽²⁾ The first of these was the one which might be called the "aristocratic class", or the upper class. It was composed of people whose material interests were determined either by their landed property or by their invested capital. The first group of this class, i.e. the landlords who possessed more than fifty feddans, acquired their land either through purchasing the liquidated properties of Khedive Ismail in the 1880's or by exploiting peasants and tenants. The other group was that which had accumulated capital during the First World War as the fruit of

(1) Issawi: op.cit. pp.40 & 179; Dutcher: op.cit. p.36;
Hocking: op.cit. p.53; Hayter: op.cit. pp.19-20

(2) Cf. Bonne, A.: State and economics in the Middle East, pp.45-49

its speculations in the cotton trade or in consequence of the instability of prices and economic conditions.⁽¹⁾

This upper class, in general, was reluctant to support the nationalist movement at its beginning because "their own vested interests or at least their interest in the prosperity of their clan, left no room for any other considerations or impulses."⁽²⁾

But the enthusiastic support of the people to that movement induced this class to participate in and seek part in its leadership. The first group of this class was trying to safeguard its interests and increase the land it possessed, while the second group was looking forward to the extension of its investments, especially in the industrial field. It is important to note that the economic interests of landlords have been safeguarded, but the area of the land they acquired has not increased because of the Islamic law of inheritance, which might have caused the decline of landlords' heirs to middle-class landowners. Moreover, the depression which prevailed in the late twenties might have been another factor. In the meantime, the other group has been successful in establishing some industrial and commercial firms. One of these firms is the group of Bank Misr (Bank of Egypt) which was established in April 1920 and which started to flourish in 1930's.⁽³⁾

The second social class in Egypt, which may be called the middle class, was formed of the intelligentsia, i.e. the graduates

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- (1) Crouchley: op.cit. pp.189-190; Centre d'Etude de Politique Etangère: op.cit. p.26
 - (2) Bonne: op.cit. p.46
 - (3) Crouchley: op.cit. p.208; Centre d'Etude de Politique Etrangère: op. cit. pp.330-336

of Al-Azhar University and the high technical and professional schools, and civil servants on one hand, and landowners whose lands ranged between ten and fifty feddans on the other.⁽¹⁾ The former group within that class, i.e. the intelligentsia was numerically so small that it was thought it would not exercise anything like the far-reaching influence that intellectuals usually do. But to the astonishment of all, they took over the leadership of the 1919 Revolution and the nationalist movement.⁽²⁾ Lawyers played a significant rôle in the activities of that class, and this explains the distinguished position they had acquired, during the ensuing years, in the political field. "The educated Egyptians", said P.G. Elgood, "noted bitterly that Englishmen replacing Egyptians frequently were without the technical knowledge which would have excused their appointment. Men were posted to high commands in the police who had no knowledge of criminal law; others obtained places in the ministry of finance without any qualification for their important duties save that of unimpeachable honesty...."⁽³⁾ Therefore, it is no wonder that the intellectuals, though as all intellectuals following a liberal line of thought, aimed at replacing those civil servants who held superior posts especially foreigners. In the meantime, the other group of the middle class, i.e. the landowners, was hoping to have equal rights in the water of irrigation with the landlords, and was struggling to become as rich as they. This was clearly observed when cotton prices rose high, and this

(1) Cf. Ibid, pp.26-28. (2) "Egypt, a Kingdom", pp.478-479

(3) Elgood, P.G.: Egypt and the army, p.17; Cf. "Egypt, A Kingdom", p.482.

group obtained unexpectedly high gains; they looked forward to such great profits that they bitterly competed to purchase cultivated land by instalments, even at very high prices. Because of the unexpected fall in prices of cotton and the change of world and home economic conditions, these people were not able to pay regularly; in some cases, their land was confiscated, while, in others, the payment of debts was postponed.⁽¹⁾ This was the beginning of the problem of the mortgage loans (*crédit foncier*), which had been, until recently, a main issue in the governments' policy. It must be understood that those who escaped the difficulties of paying the prices of the land were lifted in the thirties into the class of landlords, while those who could not reach any settlement for their payment continued to be middle-class landowners.

Finally came the peasants and the working people, who formed the third class in Egyptian society. This class, as elsewhere, and as usual, constituted, numerically speaking, the basis of the population. It consisted mainly of two types of person: firstly, those who owned some land but could not support themselves, so that they were obliged to work part of their time, or let some of the leased land of the absentee landlords; and secondly, the landless people who were whole time agricultural labourers, and who in a few cases had some of the leased land to work on. Beside this rural proletariat, industrial labourers formed a very small portion of that third social class. Industrial workers were limited in number

(1) Crouchley: *op.cit.* pp.189-193; National Bank of Egypt, 1898-1948, pp.48-50

and not very well organised. The numbers of this social class had been increasing, even in comparison with the increasing number of population. In other words, the proletariat population had been multiplying without any chance before them of a rise in the standard of living.⁽¹⁾ This class, however, was patriotically devoted to the 1919 Revolution and believed that it would create a system which would be a safeguard against the extortion of taxation and exploitation of landlords.

This Constitution, which was promulgated by a Royal Decree, became the corner stone of the parliamentary system in Egypt. Most writers consider it to be the natural result of the Declaration of February 1922, and that it was framed under the dominant influence of Great Britain. They prove this theory by the letter of Lord Allenby to the Sultan accompanying the Declaration, and by the fact that Egypt was occupied by British troops who never left its territory during the framing of the Constitution. Moreover, additional proofs to this argument are given by quoting the intervention of Great Britain and the High Commissioner to compel the promulgation of the Constitution subject to the four reserved points, and their repeated threats to review the Declaration.⁽²⁾

On the other hand, some other writers do not accept that argument and deny that Great Britain was the ultimate legal source of the Constitution. They claim that the origin of the Constitution

(1) Centre d'Etude de Politique Etrangère, op.cit. p.48; Keen: op.cit. p.40; Abushady, A.Z.: Egypt's dilemma, p.2: Ayrout, H.A.: Moeurs et coutumes des fellahs, p.15.

III - The Political Development After the Promulgation of the Constitution.

The Constitution, which was promulgated on April 19, 1923, ensured and gave justification to the 'status quo'. It followed the pattern of the Belgian Constitution; and the Committee of the Thirty which adopted this latter Constitution to be applied in Egypt, did not pay much attention to the inherent differences between the two countries.⁽¹⁾

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(1) Amad: op.cit. p.102; Merton, A.: op.cit. p.32; "Egypt: The Background of Negotiations", p.267.

(2) Ghosh: op.cit. pp.109-110.

lies in the actions of the then existing functionaries of the Egyptian government, and in the development of the Egyptian nationalist movement.⁽¹⁾

The new Constitution⁽²⁾ furnished the sovereignty and independence of the country, declaring it to be a hereditary monarchy with a representative government.⁽³⁾ The nation was the source of all powers.⁽⁴⁾ The legislature was composed of the King, together with the Senate and the Chamber of Deputies.⁽⁵⁾ The King nominated two-fifths of the Senators, and the remaining three-fifths were elected by universal suffrage.⁽⁶⁾ Each elected senator represented 180,000 inhabitants or thereby.⁽⁷⁾ Special qualifications of prominence or property were required in senators, whether elected or nominated.⁽⁸⁾ The mandate of senators was ten years.⁽⁹⁾ The Chamber of Deputies was composed of members elected on the basis of universal suffrage, and each deputy represented a constituency of 60,000 inhabitants or thereby.⁽¹⁰⁾ Although the Chamber of Deputies was designed to last for five years, the King had the right to dissolve it,⁽¹¹⁾ and to adjourn sittings of

(1) O'Rourke, V.A.: The juristic status of Egypt and the Sudan, pp.65-68; "Egypt and the Sudan", pp.667-668.

(2) French text in Davis, H.M.: Constitutions, electoral laws, treaties of States in the Near and Middle East; An English translation from the French text in Peaslee, A.J.: Constitutions of Nations, Vol.I; A translation from the Arabic text, see Appendix I.

(3) 1923 Constitution, Art. 1.

(4) Ibid, Art. 23.

(5) Ibid, Art. 24.

(6) Ibid, Art. 74.

(7) Ibid, Arts. 75 and 76.

(8) Ibid, Art. 78.

(9) Ibid, Art. 79.

(10) Ibid, Arts. 82, 83 and 84.

(11) Ibid, Art. 86 and 38.

Parliament for not more than one month without the consent of the two Chambers.⁽¹⁾

The executive power was vested in an hereditary King⁽²⁾ who exercised his authority through the ministers.⁽³⁾ He appointed and dismissed the Cabinet. The Council of Ministers was conjointly responsible to the Chamber of Deputies for the general policy of the government; and the ministers were individually responsible for the acts of their respective departments.⁽⁵⁾ Ministers had free access to both Houses of Parliament and were heard if they so requested, but did not have votes unless they were members.⁽⁶⁾

The judicial power was exercised by courts; and sentences were passed and executed in the name of the King.⁽⁷⁾ Judges were independent and could not be interfered with in the dispensation of justice by any authority of the government.⁽⁸⁾

Moreover, the Constitution stated that all Egyptians were equal before the law,⁽⁹⁾ and were protected against expulsion from Egyptian territory, having freedom to move and stay wherever they liked.⁽¹⁰⁾ They were guaranteed the right to form associations, to petition public authorities, and to assemble peacefully.⁽¹¹⁾ Elementary education was obligatory for young Egyptians of both sexes and was

(1) Ibid, Art. 39.

(3) Ibid, Arts. 48 and 60.

(5) Ibid, Art. 61.

(7) Ibid, Arts. 30 and 31.

(9) Ibid, Art. 3.

(11) Ibid, Arts. 21, 22 and 20.

(2) Ibid, Arts. 29 and 32.

(4) Ibid, Art. 49.

(6) Ibid, Art. 63.

(8) Ibid, Art. 124.

(10) Ibid, Art. 7.

free in public schools.⁽¹⁾ There were general guarantees of individual liberty, nobody could be arrested or punished except by legal process.⁽²⁾ The inviolability of homes and property was safeguarded with the prohibition of punishment by wholesale confiscation of property.⁽³⁾ The Constitution stipulated for the secrecy of letters, telegrams and telephone communications.⁽⁴⁾ It guaranteed the freedom of religion, of opinion and of the Press within the limits of law.⁽⁵⁾ It established Islam as the religion of the State and Arabic as the official language.⁽⁶⁾

Although this Constitution seems to be liberal, especially in recognizing that the sovereign power originated in the people themselves, and stipulating for the different rights of individuals,⁽⁷⁾ its defects were mainly the extensive powers conferred upon the executive, and especially the King, and the looseness with which the private rights of individuals were defined.⁽⁸⁾

The Wafdists, whose leaders were released in March 1922, returned to agitate against the Declaration of February 1922 maintaining that it was "the worst calamity which Egypt had ever suffered, that it was a deceit covering a Protectorate, and that it was a fraud unacceptable to any Egyptian."⁽⁹⁾ In the same manner they bitterly attacked the politicians who had accepted the Declaration. They

(1) Ibid, Art. 19.

(2) Ibid, Arts. 4 and 6.

(3) Ibid, Arts. 8, 9 and 10.

(4) Ibid, Art. 11.

(5) Ibid, Arts. 12, 13, 14 and 15.

(6) Ibid, Art. 149.

(7) Al-Aqqad: op.cit. p.420; Ghurbal: op.cit. Vol.I, p.116; Peaslee: op.cit. Vol.I, pp.6-7; Ghosh: op.cit. p.89; Laoust, M.H.: L'évolution politique et culturelle de l'Egypte contemporaine, p.76; cf.. O'Rourke: op.cit. p.69.

(8) Ibid, p.71; Landau: op.cit. p.109.

(9) Newman: op.cit. p.281.

condemned the Constitution because it was not framed by a constituent representative assembly, as they had been demanding. But when they took part in the general elections, which were held in January 1924, and in which they obtained an overwhelming majority over the Liberal Constitutionalist Party and the National Party, and when, according to parliamentary traditions, the King charged Zaghlul Pasha, the leader of the Wafd, to form the Cabinet, they changed their tone and stopped their agitation against the Constitution.⁽¹⁾

The success of the Wafd in the first general elections became the basis of its insistence on the Constitution; and on the other hand the cause of the continued cries of the opponents of the Wafd against the very same Constitution which they had framed. It is worth noticing, that, till the convocation of Parliament in the first session, the Wafd had been acting as a popular organisation in the name of the people. It was only the requirements of parliamentary discipline and life, especially when opposition to Zaghlul and his Cabinet appeared from amongst the Wafdist members of Parliament, that necessitated the formation of the "Parliamentary Wafd Party" (Al-Hai'ah Al-Wafdiyyah Al-Barlamanīyah).⁽²⁾

The Government and Parliament attained a spirit of independence,

(1) Landau: op.cit. pp.113-115; Elgood: Egypt, pp.119-121; Kohn, H.: Nationalism and imperialism in the hither East, pp.82-83. cf. Dutcher: op.cit. p.45.

(2) Kohn: op.cit. pp.82-83; Shafīq: Hawliyyāt, Vol.I, pp.143-154; Colombe, M.: L'évolution de l'Egypte, 1924 - 1950, pp.9-10.

confidence and energy which was applauded and encouraged by all the nation.⁽¹⁾ But, a few days after the inauguration of the second ordinary session of Parliament, Sir Lee Stack, the Sirdar (Chief) of the Egyptian Army and the Governor General of the Sudan was assassinated in Cairo on November 19-21, 1924.⁽²⁾ Profiting by that assassination, Great Britain, which had been watching with anxiety the development of the new parliamentary system in Egypt and the Egyptian interpretation of the Declaration of 1922 which raised the national spirit to the extent of ignoring the occupying army, addressed an ultimatum to the Egyptian Cabinet accusing the policy of the Government and Parliament of being the indirect, if not the direct, cause of that assault. Britain demanded an ample apology, punishment of the assailants, suppression of popular demonstration, an indemnity of half a million pounds sterling, the withdrawal of the Egyptian garrison from the Sudan within twenty-four hours, the acceptance of increasing the irrigated area in the Gizera from 300,000 feddans to an unlimited figure and the recognition⁽³⁾ of Britain's exclusive right to protect foreign interests in Egypt.

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- (1) Landau: op.cit. pp.120-122; Ghurbāl: op.cit. Vol.I, pp.133 et seq; Awad: op.cit. p.139; Arminjon, p. : L'expérience constitutionnelle et parlementaire de l'Egypte, pp. 9-12.
- (2) He was shot on November 19, and died on the 21st.
- (3) Landau: op.cit. p.119; Newman: op.cit. pp.245-247; Howell: op.cit. pp.211 et seq; Centre d'Etude de politique Etrangère; op.cit. pp.51-54; Mou-Cho: op.cit. pp.136-139; Awad: op.cit. pp. 141-147; Arminjon: op.cit. pp.12-14; Ghurbāl: op.cit. Vol.I, pp.155-158; Elgood: The transit of Egypt, pp.294-297; Newman: Great Britain in Egypt, pp.245-246; Kimche, J.: Seven fallen pillars, pp.30-32; Shah, S.I.A.: Fuad, King of Egypt, pp.193-197; Sabry, E.S.: Le pouvoir législatif et le pouvoir exécutif en Egypte, pp.273-276; The Economist, Vol. XCIX, No.4239, p.804.

It is said that the assassination of Sir Lee Stack gave the British authorities the opportunity, they had been seeking since the breakdown of the Zaghlul - MacDonald's negotiations in October 1924, to embarrass the Wafdist Cabinet.⁽¹⁾ Therefore, when the Egyptian Government showed firmness in facing the situation and reluctance in accepting the ultimatum, Britain occupied Alexandria Customs House. In consequence, the Wafdist Cabinet resigned and an extra-parliamentary one presided over by Ahmed Ziwari Pasha was nominated. Contrary to the nation's will expressed by its representatives, the new Cabinet accepted the British demands.⁽²⁾

Feeling unable to face the representatives of the people, the Cabinet adjourned Parliament, and soon afterwards the Chamber of Deputies was dissolved. Violations against the Constitution were committed. Deputies and Senators were arrested, in spite of the parliamentary immunities they enjoyed even during the adjournment of Parliament. Private liberties recognised by the Constitution were practically suspended. Public meetings were prohibited and all public manifestations in favour of the Wafd were severely repressed.

The decree dissolving the Chamber of Deputies stipulated for

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- (1) Ghurbāl: op.cit. Vol.I, pp.153-155; Colombe: op.cit. pp.21-22; Cf. The Economist, Vol. CII, No.4318, p.1033.
- (2) Lloyd: op.cit. Vol.II, pp.94-108; Young: op.cit. p.277; Colombe: op.cit. p.23; Sabry: op.cit. pp.276 et seq; Ghosh: op.cit. p.91; Ghurbāl: op.cit. Vol.I, pp.158-159; Haykal, M.H.: Mudhakkarāt fi's-Siyāsati'l-Misriyah, Vol.I, pp.211-216; Yeghen, F.: Saad Zaghlul, pp.97-101

new elections to be held on March 12, 1925. In order to keep better control on the elections, the government re-established the indirect electoral system which had been replaced by direct manhood suffrage by the dissolved Parliament. In spite of all these measures, the election results gave a strong majority to the Wafd over other political parties. This majority was obscure before the convocation of Parliament, but it clearly appeared when Zaghlul was elected President of the Chamber of Deputies with a majority of 123 votes against the Government's candidate, Sarwat Pasha, who obtained 85 votes. Seeing the march of events to that conclusion, the Prime Minister tendered his resignation to the King who did not accept it and, instead, dissolved the Chamber of Deputies which did not last more than a few hours. (1)

Suddenly in January 1925, a new political party under the name of the Unionist Party (Hizbu'l-Ittihad) appeared. It is no wonder that its main aim was to increase and protect the influence of the Palace because it was established through the encouragement of the Vice-Chief of the Royal Cabinet, Hassan Nashaat Pasha. This party was intended to be an instrument used by the Palace to keep the balance among political parties, and to check the Wafd, which was dominating the political situation by

(1) Kohn: op.cit. pp.90-91; Elgood: op.cit. pp.298-299; Newman: op.cit. p.247; Shah: op.cit. p.199; Yeghen: op.cit. p.140; Arminjon: op. cit. pp.14-15; Centre d'Etude de Politique Etrangère: op. cit. p. 55; Ghurbal: op. cit. Vol.I, pp.164-166; Elgood: Egypt, p.121; Newman: The Mediterranean and its problems, p.291; "Egypt", A Kingdom, p.490; cf. Haykal: op.cit. Vol.I, pp.225-226.



the popular support it enjoyed and the majority it had had in Parliament. In order to gain adherents, the Unionist Party accused the Wafd of being on hostile relations with the Crown, and claimed that its own object was to assure the people's allegiance to the King.

The Unionist Party brought nothing new to the political stage except its frank support of the King to such an extent that its members were known as the "King's Friends" because of their efforts to make the Palace, first powerful, and then predominant, in politics. The party backed Ziwar's Cabinet and, along with reactionary elements enabled it to give a chance to the Palace to suspend parliamentary institutions. It continued to be of some influence in political life as long as it derived power and authority from the Palace. When that support and encouragement stopped, especially after Nashaat Pasha was transferred to a diplomatic post in Madrid, under the influence and intervention of Lord Lloyd, the British High Commissioner, the Unionists ceased to be of any significance in politics. This could be clearly observed from the results of the elections held in 1926. ⁽¹⁾

Although May 23, 1925 was fixed for new elections to be held,

(1) Elgood: op. cit. p.121; Kohn: op. cit. p.82; Lloyd: op. cit. Vol. II, pp.111-113; Young: op. cit. p.279; Yeghen: op. cit. p.139; Colombe: op. cit. p.24; Centre d'etude de Politique Etrangère: op. cit. p.55; Haykal: op. cit. Vol.I, pp.223-224 & 226-227; A'r-Rāfi'ī, A.R.: Fi Aqqabi' th - thawiati - Misriyah, Vol.I, p.212; Shah: op. cit. p.269; Elgood: The transit of Egypt, pp.299-300; Newman: Great Britain in Egypt, p.249; "Egypt, the background of Negotiations", p.269; The Times 10.1.1925.

these elections never took place and the Cabinet along with the Palace continued to govern the country after a dictatorial fashion.⁽¹⁾ Continuous violations against the Constitution brought about a general reconciliation of all other parties, which then stood together in opposition to the Unionist Party and Zivar Pasha. The Liberal Constitutionalist ceased to support the Cabinet and joined the Wafd and the National Party in their struggle for the restoration of constitutional life and the convocation of Parliament.⁽²⁾

While the Government professed to pay no attention to the opposition, members of the dissolved Chamber of Deputies and the suppressed Senate decided to meet to consider the political situation. Because of the impossibility of meeting in the usual official building defined in the Constitution, members of the two houses met separately in the Continental Hotel in Cairo, and took

(1) Kohn: op.cit. pp.90-93; Colombe: op.cit. pp.24-26; Sabry: op.cit. pp.320 et seq.

(2) It was the incident of "Al-Islāmu Wa 'Usūlu'l-Hukm", a book written by Aly Abdel Raziq, a judge in the Mahākīm Shar'īyah, which did not meet with the ambitions of King Fuad that led to narrowing the gap between the Liberal Constitutionalist Party and other parties. In the book the author expressed the view that Mohamedan law was intended solely to regulate individual life and personal conduct not social life or state legislation; and therefore the Caliphate have never been an essential part of Islam. The author was condemned by the Council of Al-Azhar University, but the Minister of Justice Abdel Aziz Pasha Fahmy, who was the leader of the Liberal Constitutionalist Party, was reluctant to take any action against him, and therefore he was dismissed. In unity with their leader, the Liberal Constitutionalist Ministers resigned, and that brought the coalition of the Liberal Constitutionalist and the Unionist parties to an end. Haykal: op.cit. Vol.I, pp.231-240; Ghurbāl: op.cit. Vol.I, p.167; Kohn: op.cit. p.91; Colombe: op.cit. p.26; Centre d'Etude de Politique Etrangère: op.cit. p.57; Kohn, H.: A History of Nationalism in the East, p.218.

an oath to safeguard the Constitution at any price. Although this courageous gesture made by those popularly regarded as being the representatives of the nation weakened the authority of Ziwar's Cabinet, it did not lead to its resignation, which took place only after the intervention of British authorities in favour of restoring parliamentary life.⁽¹⁾

The new elections, which were held in May 1926, gave the Wafd the majority of seats in the Chamber of Deputies. Although it is the natural right of the leader of the parliamentary majority to be the Prime Minister, Zaghlul Pasha, the leader of the Wafd, did not become Premier in 1926 because of British intervention and his declining health. Therefore, a coalition Cabinet under the presidency of Adly Pasha Yakan, a distinguished member of the Liberal Constitutionalist Party, was formed.⁽²⁾ Here it should be noticed that at that time "the Liberal Constitutionalist Party and the Wafd agree(d) in standing for constitutionalism as against court influence in the internal politics of Egypt, and they also virtually agree(d), as against Great Britain, in their formulation of the Egyptian national claims."⁽³⁾

From May 1926, for about two years, the parliamentary system was,

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- (1) Youssef: op.cit. pp. 145 et seq.; Lloyd: op.cit. Vol. II, pp. 326-327; Shah: op.cit. pp. 202-203; Yeghen: op.cit. pp. 144-145; Haykal: op.cit. Vol. I, pp. 248-261; Ghurbal: op.cit. Vol. I, pp. 167-168; Elgood: Egypt, p. 121; The Times 9.12.1925.
- (2) Ghosh: op.cit. pp. 91-93; Elgood: The transit of Egypt, pp. 302-303; Marshall J.E.: "The solution of the Egyptian problem," p. 255; Colombe: op.cit. pp. 26-30; Ghurbal: op.cit. Vol. I, p. 168; The Economist, Vol. CIV, No. 4365, p. 845; cf. R.I. I.A.: Great Britain and Egypt 1914-1936, pp. 20 et seq.; Shah: op.cit. pp. 204-209; Arminjon: op.cit. p. 17.
- (3) The Economist, Vol. CII, No. 4319, p. 1080.

in general, functioning normally. The country found in its working the peace and order which were badly needed, especially after passing through the first constitutional crisis carried out by Ziwar Pasha; but in the summer of 1928 a second crisis arose. During 1927, negotiations took place between Sir Austin Chamberlain, the British Foreign Secretary, and Sarwat Pasha, the Egyptian Prime Minister who succeeded Adly Pasha in 1927, in order to find a settlement for Anglo-Egyptian relations. These negotiations resulted in a draft treaty which was considered unsatisfactory by the Egyptian Parliament dominated by the Wafd.⁽¹⁾

In consequence of the rejection of the draft treaty by Parliament, Sarwat Pasha resigned, and Nahas Pasha, Zaghlul's successor to the leadership of the Wafd,⁽²⁾ formed a coalition Cabinet of Wafdists and Liberal Constitutionalists. The presence of the leader of the Wafd at the head of the Cabinet indicated the dominance of the Wafdist policy which was considered by Britain to be endangering British interests in Egypt. It revived British anxiety and induced Britain to intervene in Egypt's internal politics. Britain demanded from the Egyptian Government disregard of that legislation regulating public meetings and demonstrations which Parliament was then discussing, claiming that it endangered foreign interests and lives. When the Government

(1) Cmd. 3050, Papers regarding negotiations for a treaty of alliance with Egypt; Colombe, op.cit. pp.34-35.

(2) Zaghlul died on August 23, 1927.

refused that demand, an ultimatum was addressed to them, to withdraw that Bill within seventy-two hours, and, in the meantime, some units of the British Fleet proceeded from Malta for Alexandria. Faced with this situation, the Government bowed in defeat; and some weeks later the Liberal Constitutionalist ministers resigned all of a sudden. In spite of the majority the Wafd had in the Chamber of Deputies, even after the breakdown of the coalition with the Liberal Constitutionalist Party, the rupture of that coalition was the direct reason for the dismissal of Nahas Pasha in June 1928.⁽¹⁾

This was how the second constitutional crisis arose. While the first crisis appeared in consequence of the dissolution of the Chamber of Deputies, the second began when the Cabinet was dismissed by the King. The right of the Head of State to dismiss the Cabinet is recognised in most parliamentary governments, but its practice is restricted. The electorate decides, and the sovereign judges the suitable situation according to the results of the

(1) Cmd. 3097, Papers respecting the proposed Egyptian law regulating public meetings. Cf. The Economist, Vol.CVI, No.4419, p.911; it considers that British intervention an attempt to embarrass the Wafd, who was in power, because of his opposition to and rejection of the draft treaty reached to by Sarwat Pasha. This opinion was expressed by Nahas Pasha, the leader of the Wafd in one of his public orations, Cited in Howell: op.cit. pp.340-344. Cf. Ghurbāl: op.cit. Vol.I, pp.193-195; Haykal: op.cit. Vol.I, pp.286-288; Colombe: op.cit. pp.35-38; Sabry: op.cit. pp.366-369; Arminjon: op.cit. p.21; Centre d'Etude de politique Etrangère: op.cit. p.61; Ghosh: op.cit. p.94; R.I.I.A.: Memorandum on the Anglo-Egyptian relations from 1914 to the present day, p.10; Kohn: Nationalism and imperialism in the Hither East, p.101; "Egypt, A Kingdom", p.495.

general elections and the will of the nation. The King shall not dismiss a Cabinet enjoying the confidence of the majority of the members of Parliament elected in accordance with the national will. The dismissal of a Cabinet in such a case is nothing but a prelude to the dissolution of the Chamber of Deputies. It is evident that not only did the majority of members of Parliament support Nahas and his Cabinet, but that the majority of the people also had confidence in them. Therefore, the dismissal of the Cabinet was contradictory to the parliamentary system and was a revolution from above.⁽¹⁾

The new Prime Minister, Mohamed Mahmud Pasha, the leader of the Liberal Constitutionalist Party, did not try to hide his plans. He started by adjourning the sittings of Parliament for a month. Not long afterwards, he dissolved both Houses of Parliament and postponed the elections of Deputies and Senators for a period of three years, subject to prolongation, and declared: "I shall not be a tyrant, but if necessary I shall be a dictator, a benevolent dictator."⁽²⁾ During the suspension of parliamentary life, it was for the King to maintain legislative power and promulgate decrees having the effect of laws. Realising that he was not backed by the people, and wishing to continue in office, Mahmud Pasha used dictatorial powers to suppress any movement against his Cabinet, and he was often called the "Iron Hand". This dictatorship of the Cabinet which the Prime Minister had estimated to last for three years at least, did not actually extend beyond seventeen months.

(1) Kohn: op.cit. pp.103-104

(2) The Observer, 22.7.1928

The end of the second constitutional crisis came when Britain insisted that the draft treaty in which the Mahmud-Henderson negotiations resulted should be approved by the Egyptian people's representatives. Therefore, under British pressure there was no escape from elections for a new Parliament being held.⁽¹⁾

It might not be without interest to consider here the motives behind the second constitutional crisis and the establishment of a dictatorial government. In fact, "it is only reasonable and logical that a crisis of such a magnitude could not possibly spring up in a single day. It has to be preceded by a series of incidents with many grave undercurrents".⁽²⁾ There are quite a few opinions about these undercurrents. First of all, it is said that the dismissal of the Cabinet came as a result of British manoeuvring to get rid of Nahas and the Wafd who, following a policy hostile to Britain, had caused the breakdown of Sarwat - Chamberlain draft treaty.⁽³⁾ Again it is said that the crisis emerged because the King was not very much in favour of a parliamentary system of government in Egypt, especially with a Wafdist Parliament, and with, in particular, Nahas Pasha at the head of the

(1) Hocking: op. cit. p.148; Youssef: op. cit. p.179; Saleh: op. cit. pp.265-270; Sabry: op. cit. pp.370-379; Arminjon: op. cit. pp.25-26; Centre d'Etude de Politique Etrangère: op. cit. pp.62-63; Cmd. 3376, Exchange of notes to proposals for an Anglo-Egyptian settlement; The Economist, Vol. CIX, No. 4493, p.604.

(2) From a speech by Nahas Pasha, cited in Howell: op. cit. p.336.

(3) Sabry: op. cit. p.369; Saleh: op. cit. pp.245-246.

government. Earlier hostility between the Wafd and the King was revived when the anti-Wafdist Press published what purported to be a contract signed by Nahas Pasha and two fellow members of the Wafd, with the relatives of Prince Seif El Did - a member of the Royal family who, thirty years before, had made a murderous attack on the King (then Prince Fuad).⁽¹⁾ A third line of thought tends to believe that the crisis arose as a result of the competition and ambitions of different political parties.⁽²⁾

These views should be considered carefully; most of the advocates of the first and third opinions were Egyptians, while those of the second were Europeans. It seems obvious that the Egyptians were trying to avoid placing any responsibilities on the King and the Palace for that constitutional crisis and a group of them were blaming Britain, while the other put the blame on political parties and organisations. As regards the Europeans, who were not meddled in the internal political life of Egypt, they were putting all the blame for the emergence of this crisis on the King. Actually, this crisis seems to have been the outcome of all these complicated factors.⁽³⁾

(1) Kohn: op.cit. pp. 101-102, Lloyd: op.cit. Vol. II, p. 274, The Economist, Vol. CVI, No. 4427, p. 1328 and Vol. CVII, No. 4431, p. 173; cf. Arminjon: op.cit. p. 23; Hocking: op.cit. p. 147.

(2) Ghurbāl: op.cit. Vol. I, pp. 197-199; Youssef: op.cit. p. 159.

(3) Such a view was expressed by Nahas Pasha in a letter to Dr. J.H. Howell American Minister Pelipotencier to Egypt at that time, cited in Howell: op.cit. pp. 333-335; cf. Centre d'Etude de Politique Etrangere: op.cit. pp. 58-61.

A general election was held in December 1929 under the auspices of a neutral ministry presided over by Adly Pasha Yakan. This resulted in a powerful Wafdist majority, and Nahas Pasha, who had been dismissed in 1928, was called to form a Cabinet. That was the third time that a Wafdist Cabinet had assumed power; and like other Premiers, Nahas Pasha left for London to negotiate with the British authorities a solution for Anglo-Egyptian relations. Although the negotiations were not successful and the Egyptian delegation returned to Egypt declaring that Egypt had "lost the treaty but gained the friendship of Britain", they resulted in a draft treaty which later became the basis of further negotiations in 1936. Not very long after the return of the delegation to Egypt, friction between the Palace and the Cabinet appeared when the Wafd, to prevent any recurrence of the Palace interference in politics, submitted to the King two bills designed to prevent infringement of the Constitution. Nahas Pasha did not wait for his dismissal but resigned. It was alleged that the internal economic situation and the world depression which prevailed in the late twenties was one of the factors leading to Nahas' decision. (1)

(1) Cmd. 3575, Papers regarding the recent negotiations for an Anglo-Egyptian settlement, March 31 - May 8, 1931; Newman: "Egypt", p.570; Mellor, A.R.I.: "The Egyptian Riddle", pp.427 et seq; "Egypt: The Background of Negotiations", pp.272-273; The Economist, Vol.CX, No.4530, p.1378; Ghosh: op.cit. p.106; Hocking: op.cit. p.151; Amad: op.cit. p.105; Centre d'Etude de Politique Etrangère: op.cit. pp. 63-64; Ghurbāl: op.cit. Vol.I, p.246.

A new Cabinet, presided over by Ismail Sidky Pasha, who was reputedly in strong disagreement with the Wafd, was nominated. Following the customary procedure, the Chamber of Deputies was dissolved and constitutional guarantees were suspended. In order to destroy the Wafd's popularity, the Cabinet simply abrogated the 1923 Constitution and King Fuad promulgated a new one on October 22, 1930, which has been known as Sidky's Constitution. The importance of that incident is that it confirms the belief that the Constitution was a gift from the King, who had the competency and ability to abrogate one constitution and promulgate another by Royal Rescripts.⁽¹⁾

In spite of the fact that the Government in its note about the new constitution stated that "the Parliamentary system is not the only form of a constitutional representative government and that there are some other forms, which, like the Parliamentary system, aim at maintaining equilibrium among different authorities,"⁽²⁾ the new Constitution did not dispense with the Parliamentary system introduced in Egypt by the 1923 Constitution. A characteristic feature would, however, be noticed in the new Constitution; it reinforced the executive power and augmented the King's privileges at the expense of the rights of the people's representatives. In other words, the predominance of the executive replaced that of Parliament.

That reinforcement was manifested as follows: the King was to nominate the majority of Senators (three-fifths);⁽³⁾ the

(1) A'r - Rafi'i: op.cit. Vol.II, pp. 133-134; O'Rourke, V.A.: "The British position in Egypt", p. 699; R.I.I.A.: Great Britain and Egypt, 1914-1936; pp. 38-41.

(2) A'd -Dustur 'l-Misri wa Qanunu 'l-Intikhāb, October, 1930, p.21.

(3) 1930 Constitution, Art. 75.

parliamentary session was to last for five months and could be closed whether the Budget had been approved or not;⁽¹⁾ the King's right to veto was extended;⁽²⁾ the right to initiate financial legislation became an absolute right of the King;⁽³⁾ the executive adopted the right to enact legislation and open new credits during the parliamentary vacation;⁽⁴⁾ the political responsibility of ministers to the Chamber of Deputies was restricted, and conditions under which a vote of confidence could be carried were limited.⁽⁵⁾ Along with this reactionary Constitution, a reactionary electoral law was promulgated. It stipulated for indirect elections, raised the age for the franchise and restricted the suffrage.

Demonstrations in protest against that "coup d'etat" and the abrogation of the 1923 Constitution occurred; but the Government which had expected and was prepared for such actions, immediately crushed them, using the force of the Police and the Army. Protests from the Wafd, the Liberal Constitutionalist Party and the National Party against Sidky's Constitution were manifested, and the first two organisations decided not to participate in the elections, which were to be held under the new Constitution and according to the new electoral law. This might have been one of the factors leading to the appearance of a new political party under the leadership of the Prime Minister.⁽⁶⁾

The main purpose of that new party which was called the

(1) Ibid. Art. 91 (2) Ibid. Arts. 35 & 36
 (3) Ibid. Art. 28. (4) Ibid. Arts. 41 & 132
 (5) Ibid. Arts. 65 & 66; Cf. Centre d'Etude de politique Etrangère: op.cit. p. 64; For a detailed study of that reinforcement of the executive power see. Raafat, W.: La crise du régime parlementaire et le renforcement de l'exécutif, 1923-1933, pp. 18 et seq.; Merton: op.cit. p. 36.
 (6) A'r-Rāfi'i: op.cit. Vol. II, pp. 138-142.

People's Party (Hizbu'l-Sha'b) was to make propaganda for Sidky's Constitution and to defend the material and economic interests of its members, who were mainly of the aristocracy. The spirit and the programme of the new party were very similar to those of the Unionist Party. In addition to the demands for the complete independence of Egypt, the abolition of the Capitulations, and the settlement of Anglo-Egyptian relations by a treaty with Great Britain, the programme of the Party stated that the party's aim was to safeguard the rights of the Throne. (1)

Sidky Pasha used every means to weaken all other political groups and gain popularity and strength for his party. He proscribed anti-People's Party meetings, confiscated manifestoes and suspended newspapers that dared to publish them. He "had the armed forces of the Crown at his back and he used them remorselessly." (2) The People's Party was in full power while its leader was in office and while the Palace approved the policy of Sidky Pasha; but when the latter came to disagree with the Palace and resigned, the Party lost the ground on which it was standing. Although the party's name was the "People's Party," it never gained the sympathy of the people, and its dictatorial policy deserved and had the resistance of different groups of the nation, even of people such as Ziwari Pasha and Mahmud Pasha, who

(1) Centre d'Etude de Politique Etrangère: op.cit. p. 65; R.I.I.A.: op.cit. p.66; The Manchester Guardian, 19.11.1930.

(2) Elgood: Egypt, p. 127.

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(1) Centre d'Etude de Politique Etrangère: op.cit. p. 65; R.I.I.A.: op.cit. p.66; The Manchester Guardian, 19.11.1930.

(2) Elgood: Egypt, p. 127.

had practised other kinds of dictatorship.⁽¹⁾

The struggle against Sidky's Constitution continued and resulted in its abrogation in November 1934. It is difficult to find a convincing reason for the abrogation of Sidky's Constitution, but once one remembers that its creation was in accordance with an agreement between the British authorities, - who were very anxious to reach a settlement and conclude a treaty with Egypt - and the Palace, - which was aiming at an autocratic rule -, one can realise that the influence of Britain was behind its abrogation. Furthermore, the anxiety about King Fuad's health was another factor.⁽²⁾

The Royal Rescript which abolished the 1930 Constitution did not furnish the principles of the system which would replace it, except to state that they would be under consideration, and it established a personal government of the King. Pending the application of a new Constitutional system, all the functions of Parliament were centred in the King in addition to those of the executive power. He was to exercise these prerogatives through the intermediary of the Council of Ministers and the Ministers.⁽³⁾

(1) A'r-Rāfi'ī: op. cit. Vol. II, pp.179-181; Haykal: op. cit. Vol.I, pp.324 et seq.; Hocking: op. cit. p.59.

(2) A'r-Rāfi'ī: op. cit. Vol.II, pp.191-193; Haykal: op. cit. Vol.I, pp.313 & 364-369; Colombe: op. cit. pp.42-43; cf. Ghurbal: op. cit. Vol.I, p.264; Mellor: op. cit. p.427; Kelly, D.: The ruling few, pp.223-224

(3) Royal Rescript No. 67 of 1934, quoted by A'r-Rāfi'ī: op. cit. Vol.II, pp.193-194.

"In the present phase of historical evolution in the East", Professor Hans Kohn said, "Parliament has the same emotional value as in Europe a hundred years ago. Parliament is the great hope for the consolidation and free development of the awakening popular forces. It not only means liberation from ancient despotism and feudalism, but it stands too, as the symbol of emancipation from petrified tradition and centuries of corruption. It embodies a new confidence of the nation in itself."⁽¹⁾ This seems to have been the real motive for all movements and demonstrations which demanded the restoration of the country's constitution and the maintenance of its freedom and independence. It is worth remarking that students took an active part in these movements until the revival of the 1923 Constitution.

Political parties in existence at that time - the Wafd, the Liberal Constitutionalist, the National, the Unionist and the People's - along with the Independents, formed a National Front to achieve the restoration of the 1923 Constitution and a settlement with Great Britain on the basis of the Nahas - Henderson negotiations in 1930.⁽²⁾ The tendency of the Front to wish for a settlement with Britain, along with the dangers emanating from the Italian

(1) Kohn: op. cit. p.113.

(2) Letter from the National Front to King Fuad on December 12, 1935, and another letter to the British High Commissioner on the same day; quoted by A'r-Rāfi'ī: op. cit. Vol.II, pp.204-209. Cf. "Egypt: The Background of Negotiations", p.276.

invasion of Abyssinia, induced Britain not to object to the revival of the 1923 Constitution.⁽¹⁾ Since December 12, 1935, when a Royal Rescript re-established the 1923 Constitution, it had been in existence until it was abrogated on December 10, 1952 by the Government of the Revolution which had started in July 1952 and had forced the King to abdicate.⁽²⁾

In 1936, before the general elections under the restored constitution were held, a delegation to negotiate with Britain was formed from representatives of all parties of the National Front, except the National Party. Again the Mediterranean crisis created by the Italian invasion of Abyssinia helped the delegation to reach an agreement with Britain and a treaty of alliance between the two countries was concluded on August 26, 1936.⁽³⁾ This treaty regulated Anglo-Egyptian relations till it was abrogated in October 1951, by the same Egyptian political party, i.e. the Wafd, which had played the main rôle in its conclusion.

(1) Cf. Amad: op. cit. pp.105-107.

(2) The text of the proclamation of the abrogation of the Constitution: La Bourse Egyptienne, December 10, 1952.

(3) Cmd. 5270 of 1936; O'Rourke: op. cit. pp.698-700; Kelly: op. cit. pp.225-229; Carr, E.H.: International relations since peace treaties, p.241; Newman: Great Britain and North East Africa, pp.35-36; "Egypt: the Background of Negotiations", pp.274-276.

C H A P T E R II

Political Parties

Political parties are older institutions than democracy, and are essential for the working of a parliamentary system of government.⁽¹⁾ Democracy is government by discussion, and the process of political discussion "begins originally with actions of political parties, which debate and formulate their programmes as the issue of electoral discussion, and then proceed to select and propose their candidates as the exponents of those programmes."⁽²⁾

The function of a political party is, therefore, to enunciate policies and programmes, to organise the electorate and try to keep them, or at least a majority of them, behind particular platforms and leaders, to be able to attain the majority in legislative bodies and to conduct the government of the country.⁽³⁾ However, "where democracy exists, there parties are found. Political parties are devices for doing indirectly in democratic nations what is done directly in dictatorships. They control the approaches to public power and provide instrumentalities by means of which organised interests are able to carry out their programs.

(1) Bryce, J.: Modern democracies, Vol.I, P.125; Vol.II, p.507; Barker, E.: Reflections on government, p. 88.

(2) Ibid, p. 37.

(3) Ibid, pp. 38-40; Bryce: op.cit. Vol. I, p. 128; Finer, H.: The theory and practice of Modern government, Vol. I. p. 417; McIver, R.M.: The modern state, p. 396; Corry, J.A.: Democratic government and politics, pp. 128 and 132.

They serve to mobilize individuals and to determine what persons shall wield public authority."⁽¹⁾

A study of political parties in any country requires a review of the political history of that country. Political parties cannot be clearly understood unless seen in relation to their development in their environment. Their policies and platforms cannot be appreciated except in relation to the social and economic structure which reveals their sources of support. A study of political parties in Egypt will be carried out in the following pages.

I. Major Political Parties.

The Wafd.

The origin of the Wafd, as has been indicated in the previous Chapter, coincides with the First World War. It appeared immediately after the armistice, demanding the country's independence and the people's freedom. It gained a popular representative character when the people, in 1918, gave it the mandate to represent them and speak on behalf of the nation to achieve the complete independence of Egypt and the Sudan.⁽²⁾

(1) Dimock, M.E.: Modern politics and administrations, p. 107.

(2) Shafiq: Hawliyat, Vol. I, pp. 153-154; Youssef: op.cit. p. 62; Al-Aqqad: op.cit. p. 195; Ransome: op.cit. The Manchester Guardian, March 30, 1925; see supra Chapter I, pp. 22-31

The mandatory document was first intended to be signed by the members of the Legislative Assembly, but as popular and national feelings were aroused by the march of events, copies were circulated throughout the country to be signed by the populace. Although the movement for collecting the people's signatures was opposed by the authorities, great numbers were obtained approving the delegation of certain personalities, with Saad Zaghlul at their head, and giving them the competency to accept whomsoever they chose to join with themselves in the struggle by peaceful and legal means to achieve the complete independence of Egypt. (1)

This seems to be quite convincing evidence that the Wafd at the time of its formation was a sort of a national front composed of different types of people and of representatives of various interests. It was supported by all the nation without regard to differences in age, sex, religion and social status. (2) Moreover, a glance at the names of those who composed the first Wafd confirms that it was representing the various elements in Egypt,

(1) It is important to notice that "The complete independence of Egypt" meant that of the Sudan also, and the union of both countries. Aḥr-Rāfi'ī A.R.: Thawratu Sunati 1919, Vol.I, p. 77: Cf. Al-ʿAqqād: op.cit. p. 195; Symons, M.T.: op.cit. p. 114.

(2) Youssef: op.cit. pp. 51-52; Hocking: op.cit. p. 58; Young: op.cit. p. 231; Landau: op.cit. p. 283; Marshall: op.cit. pp. 237-240; Saleh: op.cit. p. 186; Colombe: op.cit. p. 9; Centre d'Etude de Politique Etrangère: op.cit. p. 30.

socially, economically and religiously.⁽¹⁾

Again, this might have been the reason of the claims which the Wafd had been urging since its formation that it was the nation and its sole representative and that every other political party lacked a sound foundation in Egypt's political life.⁽²⁾ This argument could be reinforced by the fact that most of the Egyptian political parties were dissentient Wafdist groups. This claim might have been true during the early thriving years of the Wafd when it incorporated all the different political trends, even that of the extremist National Party whose members either agreed with the policy of the Wafd or adhered to it.⁽³⁾ Since the breakaway from the Wafd in 1921 of some members who came to be known as the Liberal Constitutionalists, this claim became mere hypocrisy. This opinion is based upon the fact that the Wafd,

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- (1) These names were: Saad Zaghlul Pasha, the Vice-President of the Legislative Assembly; Aly Shaarawy Pasha, Mohamed Aly Bey; Abdul Latif El Mekkabbaty Bey, Senot Hanna Bey, Hamad El Basil Pasha, Hussein Wassif Pasha, Michel Lutfalla Bey, members of the Legislative Assembly; Abdul Aziz Fahmy Bey, member of the Legislative Assembly and leader of the Bar (Batonnier d'Ordre des Avocats); Mohamed Mahmud Pasha, former Governor of a province (Mudir); Ahmed Lutfy El Sayed Bey, former director of the National Library; Ismail Sidky Pasha, a former minister; Mahmud Abu El Masr Bey, former leader of the Bar; George Khayat Bey, a Coptic notable; Dr. Hafez Afifi Bey, a doctor of Cairo; and, Abdul Khaleq Madkour Pasha, member of the Legislative Assembly and President of the Chamber of Commerce. Symons: op.cit. p.114.
- (2) Shafiq: Hawliyat, Tamhid, Vol.III, p.588. Cf. Kohn: op.cit. p.82; Saleh: op.cit. p.274.
- (3) Youssef: op.cit. pp.62-65.

in spite of its opposition to the Constitution, participated in the first general elections in 1924. This participation in itself constituted a challenge to other political parties which had found some response among the people and the electorate. Moreover, the formation of the Parliamentary Wafd Party is sufficient evidence that the Wafd was a political party and was not 'the nation', as had been alleged. In addition, it is very clear that in every general election held in Egypt under the parliamentary system established by the 1923 Constitution, opposition to the Wafd had been found, although such opposition had varied according to circumstances. All this adds up to the fact that not all the people had given the Wafd their support and votes.⁽¹⁾ On these grounds, therefore, the Wafd ought to be considered a political party.⁽²⁾

Largely responsible for the formation of the Wafd, the flare up of the nationalist movement in 1918, and the union of the whole Egyptian nation is Saad Zaghlul. He was of fellah origin, a man of great courage and tenacity.⁽³⁾ The position of Zaghlul as a

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- (1) For figures showing the stand of different parties in the nation, see Appendix II, Table No. II PR.487-489
- (2) Cf. Colmbe: op.cit. pp. 116-117, where he bases his arguments that the Wafd is a political party on the fact that its structure which gave it, when first formed, the character of being a representative of the nation, had been changing by the continual splits from it. Cf. Symons: op.cit. p. 114.
- (3) See supra Chapter I, p.23

national hero and leader of the Wafd is given by Professor Hans Kohn as follows: "Both as a young and an old man he suffered persecution. Abroad he was the accredited representative of his people and at home a sacred symbol to the broad masses, embodying all the dim political consciousness of the peasantry and the political aim of the intelligentsiaHe stood as no other politician could, for years the unquestioned head of the people who trusted him to an extent perhaps unique in the modern history the world over.Instinctively the people recognised and loved in him their representative and hero. His name is associated not only with the rise and triumph of Egyptian nationalism, but also with that of the Egyptian middle class in their struggle against the land-owning nobility."(1)

From that, one can easily find some basis for the popularity of the Wafd among the people; but, nevertheless, the rôle of the people in the nationalist movement and in their empowering of the Wafd should not be overlooked. If the Wafd was responsible for the flaring up of the 1919 Revolt, that Revolt was really a continuation of the movement of resistance against the British Occupation.(2)

(1) Kohn: op.cit. p. 95.

(2) Cf. Kohn: A history of nationalism in the East, pp. 190-192; Young: op.cit. p. 229.

It is clear that after Zaghlul's death in August 1927, a new Wafdist policy was needed, but before filling the vacancy of the leadership of the party, the Wafd issued a manifesto declaring that "it would continue its efforts to obtain the true independence of Egypt and would follow the principles adopted by Zaghlul."⁽¹⁾ These principles, it should be noted, were to limit the absolutism of the temporal power and to liberate Egypt from the British.⁽²⁾

The composition of the Wafd had varied since its inception. Temporary instability in the construction of the Wafd in the early years of its existence was due to the arrests and deportations of some of its members; and one of the main reasons of the success of the Wafd is that it faced these actions of the authorities with disciplined calm; but usually new leaders appeared to replace those who had been arrested.⁽³⁾ On the other hand, continual disagreements among the Wafd had been noticed, a phenomenon due to the fact that the Wafd at its formation comprised differing social classes and representatives of different, and it might be opposing, interests; and whenever differences appeared, splits in the Wafd occurred.⁽⁴⁾

(1) Newman: Great Britain in Egypt, p. 265.

(2) Colombe: op.cit. p. 10; Cf. The Times, and The Manchester Guardian, September 20, 1927.

(3) Ransome: op.cit. The Manchester Guardian, March 30, 1925; Al-Aqqad: op.cit. p. 251 et seq.

(4) Colombe: op.cit. pp. 13-14; Landau: op.cit. p. 283; Kohn: Nationalism and imperialism in the Hither East, pp. 82-83.

Adherents to the Wafd were more or less a "petit bourgeois" type, a type which was the backbone of the 1919 Revolt. This does not deny that there were several other interested groups within its ranks. For instance, there was already a definite and strong landlords' element in the party, since a representative of that interested group managed to hold the office of its Secretary - General.⁽¹⁾ The existence of landlordism in the Wafd can be further proved by the attitude of the Wafdist dominated chamber of Deputies in 1951 when financial difficulties obliged the Government to present a Bill doubling the tax on the proprietors of land with retrospective effect for two previous years. This bill was bitterly opposed and rejected for no other reason than the instinctive tendency to safeguard the interests of landowners. However, after making the Bill a matter of personal confidence, the minister of finance succeeded in carrying it through.⁽²⁾

(1) Ministère des Finances et des Affaires Economiques: Momento économique, L'Egypte, p. 27. See appendix II, Table IV, *infra* p. 491, from which the powerful landlordism in the Wafd, as well as the strength of other interested groups could be noticed. The person in question who became the Secretary-General of the Wafd, is Fuad Seraj El Din Pasha, a well known landlord.

(2) Majlisu'n- Nuwwab: Majmu'atu Maqābiṭ, X-ii, S. 16 pp. 33 et seq.; S. 17 pp. 9-11, 33-34 & 56; S.18 pp. 9-10; Lieth-Ross, F.: "Financial and economic development in Egypt," pp. 35-37.

Further evidence to prove the power which landlords exerted in the Wafd can be provided from their attitude in discussing issues affecting their interests in the Chamber of Deputies. For example: the regulation of the mortgage debts, La Chambre des Deputés: Comptes rendus analytiques des seances, VIII-i, S.6 pp. 75 et seq.; the depreviation of rural workers to form trade unions, *Ibid.* S. 26 pp. 326 et seq.; the attempts to increase prices of tariffed agricultural products, *Ibid.* VIII-ii,

The first constituent programme of the Wafd, which was declared at the time of its formation, contained after listing the members of whom it was composed, the definition of its aim, namely the achievement of Egypt's independence by peaceful means (§2), and the authorisation by the people for the Wafd to represent them (§3). The programme, set out in twenty-six paragraphs, established the principles of the internal organisation of the Wafd; and it was observed that it contained two striking points: first the thorough administrative consolidation of that political organisation, and secondly, the extensive powers conferred on its leader. (1)

As to the general policy of the Wafd, it was defined by Zaghlul in his appeal to the Powers by the beginning of 1919 Revolt as: the independence of Egypt, as independence is the natural right of all nations; the establishment of constitutional government under reservation (a) of the country's relation towards other nations, (b) of the rights of foreigners with respect of the

= S.46 pp.432-438, VIII - iii, S.5, pp. 25-28; Majlis'n-Nuwwāb: op.cit. X-ii, S.22 pp.19-24; and the opposition to rural reform especially the limitation of landownership, Ibid. X-i, S.12, p.14.

A comparative weakness of commercial and industrial interests can be noticed, see La Chambre des Députés: op.cit. VIII-i, S.7, pp.90-91, VIII-ii, S.34 pp.281-282 and Majlis'n-Nuwwāb: op.cit. X-ii, S.32, pp.52-59.

Professionals had more strength amongst the Wafdist ranks, see Ibid. X-i, S.24 pp.27-37 and S.18 pp.44 et seq.

(1) Shafiḡ: Hawliyyāt, Vol.I, pp.154-156; Al-'Aqqād: op.cit. pp.195-196

Capitulations, (c) of the public debt, and (d) of the neutrality of the Suez Canal; and, the admission to membership of the League of Nations. Reforms in education and in the moral and material status of the fellahin and workmen were afterwards added to the programme. (1)

Another programme, not very different from that just mentioned, was enunciated in 1921 by the Wafdist organ "Al-Akhbār". In retreat from the defiant attitude showed in it, the Wafd outlined a new one in a telegram sent to "The Times" in February 1922. After asserting that Egypt had never been a part of the British Empire, four points were stressed in that programme: (a) the right of Egypt to live free from the domination of any foreign Power; (b) the safety and neutrality of the Suez Canal; (c) the safeguard of British and foreign interests in Egypt; and, (d) the guarantee of the interests of shareholders of the Egyptian public debt. (2)

Up to 1922 the Wafd led the nationalist movement for Egypt's independence. Its leader was the popular hero of the country. The differences in the Wafd about the Milner Report, and the breakaway of those who later formed the Liberal Constitutionalist Party, did not affect its popularity. (3) It was the Declaration of

(1) A'r-Rāfi'i: op.cit. Vol. I, pp. 106-107; Ghurbāl: op.cit. Vol. I, p. 55; Centre d'Etude de Politique Etrangère: op.cit. p. 32; Landau: op.cit. p. 287; Elgood: The transit of Egypt, pp. 232-233; R.I.I.A.: The Middle East, p. 157.

(2) The Times, February 11, 1922; Landau: op.cit. pp. 288-290.

(3) Al-Aqqād: op.cit. pp. 339-346; R.I.I.A.: Great Britain and Egypt, 1914 - 1951, pp. 5-7.

February 28, 1922, however, which set the Wafd at variance with other political groups and parties. At the time when these groups were enthusiastic over the Declaration, the Wafd protested strongly against it as offering only a sham independence. Another point on which the Wafd differed from other political groups was the framing of the Constitution. Its main claim was that an elected national constituent assembly representing the people should be the only competent body to draft the new Constitution. Other political organisations, with the exception of the National Party, approved the competency of the appointed Committee of the Thirty to frame the Constitution.⁽¹⁾

When the Constitution was promulgated in 1923, the Wafd opposed it as being the natural result of the 1922 Declaration which it had never recognised. The opposition of the Wafd to the Constitution was, on the whole, based on the following grounds: (a) that it had not been formulated by a representative constituent assembly; (b) that all references to the boundaries between Egypt and the Sudan and the unity of the Nile Valley had been overlooked; and (c) that Egypt was no more independent under the new Constitution than under the Protectorate.⁽²⁾

(1) R.I.I.A.: Memorandum on a study of the working of democratic institutions of Government in Egypt, pp. 6-7; Newman: The Mediterranean and its problems, pp. 281-282; O'Rourke: The juristic status of Egypt and the Sudan, p. 65; Dutcher: op.cit. pp. 13 et seq.; Al-Aqqad: op.cit. pp. 420 et seq.; Haykal: op.cit. Vol. I, p. 130.

(2) R.I.I.A.: op.cit. pp. 6-7; Landau: op.cit. pp. 291 et seq.

In spite of its vigorous opposition to the Constitution, the Wafd, curiously enough, participated in the first elections held in 1924 under that constitution. It organised its electoral campaign and the propaganda for its candidates thoroughly, and because of this good organisation, it obtained 179 seats in the Chamber of Deputies out of a total number of 211. The natural result of that situation was for the Wafd to assume power; but to the astonishment of political observers and Deputies, the first Speech from the Throne read by Saad Zaghlul referred to the Constitution as being formulated according to the most modern constitutional principles.⁽¹⁾ Moreover, in an address to the Chamber, Zaghlul asserted what he had declared in the Speech from the Throne and added that "although the Constitution safeguards the freedoms of thought, speech and work, and establishes the rule of national sovereignty, it contains certain rules which need modification."⁽²⁾ In spite the declaration of Zaghlul that in his capacity as the leader of the Wafd and Prime Minister he would accept any proposal for the amendment of the Constitution, that statement aroused opposition not only from the anti-Wafdist groups, but also among the Wafdist Deputies. Moreover, this statement illustrated the difference between a nationalist leader who was

(1) The Speech from the Throne, March 15, 1924, cited in A'r - Rafi'i: Fi A'qabi' th-thawrati'l-Miṣriyah, Vol. I. pp. 151-153

(2) Speech given by Zaghlul in the Chamber of Deputies on March 29, 1924, cited in Al Ahram, March 30, 1924.

acclaimed a hero, and a responsible Prime Minister. This incident, however, is significant in the history of the development of the Wafd; it was the turning point, that the Wafd had become the defender of the Constitution, and it showed the necessity for the Wafd to be organised according to parliamentary rules.⁽¹⁾

Since 1924, the Wafd had been reputed to have been seeking to safeguard the Constitution and parliamentary life. So far as that holds, it is sufficient to recall the attitude of the Wafd towards the different constitutional crises which resulted in either the suppression of the Constitution or its abrogation. This change in the Wafd's policy as regards the Constitution seems to be the outcome of its realisation that the parliamentary system stipulated for by the Constitution and the support of the people were the only forces from which it could derive power in its struggle against both Britain and the King. It should be noted, however, that in spite of its assurances that it would introduce amendments into the Constitution, the Wafd did not carry any of these into effect except the article providing for change in the King's title in October, 1951.⁽²⁾

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- (1) Dutcher: op.cit. p. 45; Marshall: op.cit. pp. 252-253; Sabry: op.cit. pp. 264-265; Colombe: op.cit. p. 19; Haykal: op.cit. Vol. I, pp. 186-187.
- (2) Ministère de Finances et des Affaires Economique: op.cit. p. 27; Centre d'Etude de Politique Etrangère: op.cit. p. 32; Al-'Aqqād: op.cit. pp. 420 et seq.; Majlisu'n-Nuwwāb: op. cit. X-ii, S.46 pp. 9-18 and S. 47 p. 46.

The Wafd had carried on its struggle against the British Occupation and for Egypt's independence up to 1924 as the representative of the people. Although it had copied the Western pattern of party organisation and had issued manifestoes and enunciated programmes, it was not considered a political party in the accepted sense of the term.⁽¹⁾ It had seemed advantageous since 1922, when differences arose between the Wafd and other political groups, that the Wafd should mould itself into a political party. The final decision, however, did not come until after the opening of the parliamentary session of 1924, when Wafdist Deputies often embarrassed the Wafdist Government by their questions and opposition in voting. The necessity for the stern discipline of parliamentary organisation in order to do away with these inconveniences, along with the fact that the Wafd had to face the organised opposition of other political parties were forceful enough factors for the establishment of the Parliamentary Wafd Party (Al-Hizbu'l-Wafdi Al Niyabi).⁽²⁾

The Wafdist congresses of 1935 and 1943 could give some indication of the policy of the party. Resolutions passed in both Congresses might be considered as the outline of the party's programme.

(1) Cf. The formation of the National Party, see supra Chapter, I, pp.15-17

(2) Kohn: op.cit. pp. 82-83; Landau: op.cit. pp. 292-293; Saleh: op.cit. p. 274.

Here is an incident where a political party was organised mainly to perform the function of "holding together the members of a representative assembly who profess the political opinions for which the party stands, so as to concentrate their efforts on the advocacy of its principles and the attainment of its ends." Bryce: op.cit. Vol. I, p. 129.

In the congress held in January 1935, the most important resolutions concerned: (a) the continuation of the struggle for the restoration of constitutional life and the 1923 Constitution; (b) the hope that the Wafd would reach an honourable settlement with the British Government on the Egyptian question realising the Country's wishes and placing the relationship with Great Britain on a sound and friendly footing; (c) the introduction of reforms in the irrigation and drainage systems, as well as in that of the "Waqfs";⁽¹⁾ (d) the elimination of the Capitulations; (e) the encouragement and protection of industries; (f) the observance of the freedom of the Press; and (g) the development and rise of the standard of living.⁽²⁾

In the 1943 congress, most of the rules established in 1935 were confirmed. The most prominent item was that efforts of the national movement should be directed to the achievement of the unity of the Nile Valley since the 1936 Treaty with Britain had realised Egypt's independence.⁽³⁾ Moreover, in order to maintain the country's independence and its Constitution, it should be the duty of the Wafd to overcome all handicaps in the way of the

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- (1) "Waqfs" are either endowments in favour of religious or educational bodies known as "Charitable Waqfs" (Khayri), or family Waqfs (Ahli) which vest the usufruct of the land in the heirs in perpetuity while the property itself becomes inalienable.
- (2) Al-Ahrām, January 10, 1935; The Times, January 9 & 10, 1935; Le Temps, January 11, 1935; Keesing's Contemporary Archives, 1934-1937, p. 1503.
- (3) Al-Ahrām, November 15, 1943, the speech delivered in the Congress by Mustafa El Nahas Pasha, the leader of the party.

execution of the rules of the Constitution.⁽¹⁾ In addition, legislation to safeguard the independence of the judiciary and keep it free from the influence of any other power was urged; and in the sphere of foreign policy, the foundation of the Arab League was recommended.⁽²⁾

As regards the internal policy of the Wafd, one would have expected vast and diverse reform plans from such a party which emanated from the national will and derived its power from the masses of the people. From the very beginning when it ascended to power, the Wafd showed interest in the various aspects of home affairs. It is said that it had projects for reforming education, irrigation, agriculture, commerce, transport, justice and taxation.⁽³⁾

Actually, real reform did not occupy much of the Wafdist platform prior to the early 1940's. One wonders why the Wafd was late in tackling home affairs. First of all it would seem that the foreign policy and the settlement of the Anglo-Egyptian dispute engaged most of the Wafd's time. The only interest it showed while in office was in its attempts to reach an agreement with Great Britain. Secondly, the Capitulations might have stood as an

(1) Al-Ahrām, November 15, 1943, the speech delivered in the Congress by the eminent member of the Wafd, and the President of the Senate, Al Zaky El Uraby Pasha.

(2) Al-Ahrām, November 15, 16 & 17, 1943.

(3) Landau: op.cit. p. 311; Youssef: op.cit. pp. 123-129; Cf. The Speech from the Throne of March 1924, cited in A'r-Rafi'i: op.cit. Vol. I, pp. 151-153.

obstacle to any reform, since any legislation or act of government affecting the status of foreigners needed, prior to its coming into effect, the consent of the Capitulatory Powers. In fact, it was not until after the conclusion of the 1936 Treaty with Britain and the Montreaux Agreement for the elimination of the Capitulations in 1937, that the Wafd started to frame some effective and practical projects of reform for the development of home conditions and of progress in economic and social standards. Although it is rather difficult to assess its real value, partisan competition might have resulted in that new Wafdist policy towards home affairs; especially since a new anti-Wafdist party, namely the Saadist, appeared in 1938 enunciating a social and economic policy.

It seems rather strange that a country like Egypt, where social and economic standards were so poor, could have tolerated such deteriorating conditions, and, in the meantime, have given its support to a party which had not for a long time enunciated a social policy nor economic plans. However, it is obvious that it was the foreign policy of the Wafd which attracted its supporters who paid no attention to the internal conditions. The Wafd as a party, and the whole parliamentary system in Egypt, in general, were the outcome of the nationalist movement; and therefore, it is no wonder that the working of Egyptian parliamentary institutions was influenced by the nationalist feeling of the people. Moreover, in a country like Egypt which had endured so much of foreign rule,

one would expect a strong nationalism aiming at the national salvation and the achievement of national aspirations; and that was the case in Egypt, where such aspirations were considered not so much in the securing of a parliamentary system as in the achievement of the complete independence of the country. (1)

The address on the Budget in 1942 of the Wafdist Minister of Finance, who was in the meantime the Secretary-General of the Wafd, seems to have sketched the outlines of the internal policy of the party. In that address he emphasised that the Budget showed a clear and positive Wafdist financial policy, "of a popular character tending towards safeguarding the interests of the people without distinction of class. That appears in the exemption of small landholders from taxes and burdening other tax payers; in improving the situation of the working people and the lower rank of civil servants; in establishing a positive policy for food supplies and harvest conciliating the interests of producers, merchants and consumers; in ensuring peace and order and justice; in encouraging science, commerce, industry and agriculture; in improving sanitary conditions and transport; in facilitating the execution of large schemes of irrigation and drainage"(2)

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- (1) Cf. Gibb, H.A.R.: "Egypt" pp. 69 & 72; in that address to the Royal Empire Society he emphasised that Egyptian politicians and journalists deliberately exploited the national feeling of the people.
- (2) La Chambre des Deputés: op.cit. VIII-i, S.5, p.35. Cf. The Report of the Committee of Finance in the Chamber about the 1942-43 Budget in which details about that policy are found. Ibid. VIII-i, S.15, pp.157 et seq.

In its electoral campaign in 1949, the Wafd placed more emphasis on its home policy which it outlined as follows: mutual confidence between the governing and the governed; liberty, fraternity and equality; reinforcement of national economy and wealth by increasing the production and utilisation of the country's resources; industrialisation of Egypt with the object of raising the standard of living; encouragement of tourism as an important source of national income; ensuring social justice among all the people and raising the social standard especially of the poorer classes; and, reforming the administration through reviewing the system of centralisation.⁽¹⁾

Within the limits of its policy, the Wafd when in power initiated in 1942 a social welfare scheme in order to raise the standard of the masses of the rural population. It was rightly said that "the betterment of existing conditions in villages and of the fellah is very important, because that matter is of interest to the overwhelming majority of the inhabitants of the country who suffer from poverty, ignorance and disease, to such a degree that one could not keep silent about it."⁽²⁾ The scheme seemed to be the first sound rural reform in Egypt as it was intended to cover all phases of rural life, economic, social, cultural and hygienic

(1) La Bourse Egyptienne, November 14, 1949.

(2) The report of the Committee of Health, La Chambre des Deputés: op. cit. VIII-i, S. 24, p. 307.

at one and the same time. It was mainly based on the co-ordination of a comprehensive social welfare service, and the co-operation of the public in the construction and management of social and health centres. In its explanation of the scheme to Parliament, the Wafdist Government stressed the fact that previous attempts for improving rural conditions had failed because of political divergences, lack of finance, or governmental mal-administration; and being aware of that, it had avoided such difficulties. The scheme, however, was not an absolute success; and that might be due to the placing of too much reliance upon the inhabitants themselves, whose limited financial resources and abilities have not been a hidden secret. (1)

In continuation of its policy, the Wafd introduced a social security scheme in 1950 "with a view to meeting the necessities of life for every family whose income is interrupted on account of the death of the breadwinner, total incapacity for work or old age." (2) Although this scheme was made to cover all groups of the population irrespective of their occupation, whether in industry or agriculture, it was criticised because of the low rate of pensions and allowances granted. (3)

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- (1) Ibid, pp. 307-308. Cf. Ministry of Social Affairs: Social welfare in Egypt, pp. 10 et seq. where a contradicting view about the success of that scheme is expressed.
- (2) The letter of the Minister of Social Affairs to the President of the Council of Ministers presenting the legislation, cited in: Ministry of Social Affairs: The Egyptian social security scheme, p. 1.
- (3) Ibid. p. 2; Majlisu'n-Nuwwāb: op.cit. X-i, S 34 pp. 46-47. For the purpose of illustration, some rates of the pensions were as follows: for a widow in urban areas £E.9,800 mills. a year and in rural areas £E.7,200 mills; for an orphan in urban areas £E. 6 a year and in rural areas £E.4,800 mills.; for

The Wafd's policy towards education materialised in 1944. The Wafdist Minister of Education declared in the Chamber of Deputies that "partisans of democracy consider that the education of the people has become an imperious necessity, in order that every citizen become acquainted with the manner in which he shall use his rights The pedagogues, sociologists and statesmen of the civilized nations are unanimous in considering that education constitutes the pillar of democracy in all its political, social and humanitarian manifestation."⁽¹⁾ Therefore, the Wafd adopted the principle of giving an equal chance to every citizen as regards education. It claimed "free education in primary and secondary schools, and extension, as much as possible, of free university education for all persons possessing aptitude enabling them to reach the most elevated cultural level."⁽²⁾

Although the Wafd did not have a chance to execute its educational policy in 1944 as it was dismissed from the Cabinet in October that year, it was earnest of its execution in 1950. One of the first actions of the Wafdist government in 1950 was the realisation of that policy. It introduced free elementary, primary, secondary and intermediate technical education including the

= disabled and old aged in urban areas £E. 15,600 mills. a year and in rural areas £E. 12. For a detailed explanation of the system see Ibid, p. 46; The Ministry of Social Affairs: op. cit. pp. 10-11.

(1) La Chambre des Deputés: op.cit. VIII-iii, S. 8, pp. 49-50.

(2) Ibid, p. 52.

exemption from fees for examinations, school meals, books and medical treatment.⁽¹⁾ Credit must be given to the Wafd for the establishment of Farouk University in 1943 and Ibrahim the Great University in 1950.⁽²⁾

A point of interest is the policy of the Wafd towards students. It is well known that students had formed in Egypt a valuable political asset which every political party tried to gain to its side. Therefore the Wafd never lost an opportunity to attract them to its platform. The most effective method appeared to be the relaxing of restrictions controlling examinations such as reducing pass marks and providing supplementary examinations.⁽³⁾

This policy seems to have been followed by the Wafd in order to attract supporters from different social classes. It tried hard to present itself as the protector of the suppressed groups, realising, in fact, the importance of these classes in the political scene. The Committee of Finance in the Chamber of Deputies referred to that, though in a round about way, and provided convincing statistics in that regard.⁽⁴⁾

(1) Ministry of Social Affairs: Social Welfare in Egypt, p. 96.

(2) The names have changed into Alexandria University and Abbassiyah University respectively.

(3) La Chambre des Députés: op.cit. VIII-i, S. 6, pp. 83-86; Great Britain and the East, Vol. XLIX, No. 1374, p. 430. Cf. The Policy of the anti-Wafdist parties, Ibid, Vol. LII, No. 1442, p. 37.

(4) Majlisu'n-Nuwwāb: op.cit. X-i, S.25 pp. 15-16.

The Committee showed the increase of salaries of selected groups of the civil service, the most striking of which is that of teachers of elementary schools. This group exerted a great influence on the electorate especially in the country side. However, the Committee showed that the policy of the Wafdist Governments in 1942-44 and 1950 resulted in such that a school teacher who commenced with a monthly salary of £E.3 in 1939 =

This viewpoint may be reinforced by the attitude of the Wafd towards the working class and labour problems. Although there had been desperate need for organising the labour movement and legalising trade unionism in Egypt since the early thirties, the Wafd did not pay much attention to workers until 1942. It was only then that the Wafdist Government pressed the promulgation of laws authorising trade unions in Egypt and providing for compulsory insurance against work accidents.⁽¹⁾ It seems that it was only the circumstances of the Second World War which showed the strength and progress of the development of the labour movement, especially when great numbers of workers were concentrated in the British and American Army Ordnances. This argument is further proved by the fact that all attention was paid to industrial workers in spite of the fact that the overwhelming majority of the people are engaged in agriculture.

To show the real inclination of the Wafd, there is no better argument than the comment of the Wafdist Deputy, Dr. Mohamed Mandur, on the Budget of 1950-51. In that regard he said: "We did not recognise a general policy in the Budget. It is neither socialist nor a capitalist one. It is not an agricultural nor an

= ending in 1950 with a salary of ££18. That increase amounted to 600 per cent while the cost of living index increased only to 325.

(1) La Chambre des Députés: op.cit. VIII-i, S.26, pp.327 et seq; Ministry of Social Affairs: op.cit. pp.53-54. Cf. The Economist, Vol.CXXIV, No.4848, p.167, and Vol.CXXV, No.4862, p.211.

industrial one. It is not progressive nor reactionary. It is a collection of figures meeting with urgent needs and governmental routine."⁽¹⁾

Since the outstanding purpose of the formation of the Wafd was active opposition to the British Protectorate and the struggle "by peaceful and legal means for the complete independence of Egypt,"⁽²⁾ it seems essential to make a survey of the relations between the Wafd and Britain and to analyse the stand of the former with regard to the settlement of Anglo-Egyptian relations.

"Champion and defender of all the national aspirations of Egypt, the Wafd constitutes the declared enemy of Great Britain."⁽³⁾ It was only because the Wafd was the one organisation acceptable to the people to settle Anglo-Egyptian relations that the Milner Mission, as has been shown, was obliged to start its talks with it. The Mission did not, however, reach an agreement with the Wafd which considered its proposals as "approximating to a veiled Protectorate."⁽⁴⁾ Since then until the first general elections were held in 1924, all attempts to solve the Egyptian problem were made between Britain and anti-Wafdist groups which the Milner Mission had succeeded in creating.

(1) Majlisu'n-Nuwwab: op.cit. X-i, S.25, p. 65.

(2) The mandatory document cited in A'r-Rāfi'i: op.cit. Vol. I, p. 77.

(3) Colombe: op.cit. p. 62.

(4) R.I.I.A.: Great Britain and Egypt, 1914-1951, p.6. See supra, Chapter I, pp. 27-29.

The character of the hostility between Great Britain and the Wafd can be deduced from the fact that Britain usually tried to embarrass the Wafd whenever that latter caused a breakdown, or failed to reach a settlement of Anglo-Egyptian relations, as witness, the ultimatums addressed to the Wafdist Cabinet in 1924 after the assassination of Sir Lee Stack, and in 1928 with regard to public meetings.⁽¹⁾

The Wafd stood faithfully to its principles with regard to the achievement of the complete independence of Egypt and the unity of the Nile Valley till 1930 when it was forced by the influence of some moderate political tendencies to deviate from its uncompromising attitude towards Britain.⁽²⁾ The words of the leader of the Wafd after the breakdown of the Nahas-Henderson negotiations in 1930 may elucidate this deviation. Before his departure from London, Nahas Pasha declared: "We lost a treaty of friendship with Great Britain, but we have won her actual friendship, which is all-important."⁽³⁾

The Wafd, which insisted on the evacuation of British troops and the unification of Egypt and the Sudan, opposed every agreement, whether concluded by itself or by other political parties, because

(1) Ghosh: op.cit. pp. 91 et seq.; Kohn: op.cit. pp. 93 et seq.; Young: op.cit. p. 279 et seq.; R.I.I.A.: Memorandum on the Anglo-Egyptian relations from 1914 to the present day, p. 10; Ghurbal: op.cit. Vol. I, pp. 162 et seq. See supra Chapter I, pp. 49-50.

(2) Colombe: op.cit. p. 17.

(3) R.I.I.A.: Great Britain and Egypt, 1914-1951, p. 26.

such agreements could never realise its objectives following, as they did, the lines recommended by Lord Milner: "It is necessary that any treaty entered into between us and the Egyptians should secure the special position of the British representative in Egypt, enable us to maintain a force within Egyptian territory for the protection of our imperial communications, and take adequate security that Egyptian policy shall be in line with that of the British Empire."⁽¹⁾

It seems, however, that the Wafd modified its policy when it concluded the 1936 treaty, which did not differ in detail from the previously reached draft treaties except in the construction of its texts. The Wafd considered the Treaty to be "the treaty of honour and independence," and therefore, it is believed, had adopted a more compromising attitude towards the achievement of the national demands than its stand during the early years after its formation. It seems, however, that it was the rapidly increasing international tension, and the danger of a world war which inspired the Wafd to improve Egypt's relations with Great Britain and conclude the 1936 Treaty.⁽²⁾

Did the conclusion of the 1936 Treaty bring an end to the hostile attitude of the Wafd towards Great Britain? Immediately after the conclusion of the Treaty both sides were on good terms,

(1) Ibid. p. 107. Cf. Saleh: op.cit. pp. 256 et seq.

(2) Ghurbāl: op.cit. Vol. I, pp. 278 et seq.; Colombe: op.cit. p. 17; Carr: op.cit. p. 241; The Egyptian Green Book, p. 167.

and such situation continued for a while. After the dismissal of the Wafdist Cabinet in the end of 1937, however, the Wafd being now in the opposition, it re-opened its campaign against Britain which it accused of encouraging and helping, morally if not materially, the anti-Wafdist parties which were then in power.⁽¹⁾ Moreover, reverting to nationalism, the Wafd tried to make an issue out of Anglo-Egyptian relations. During the Second World War, in a memorandum presented to the representative of Great Britain in Egypt, it asked for concessions that all foreign troops would evacuate Egypt after the war, and that negotiations should be opened on the status of the Sudan.⁽²⁾

Again, a change from those semi-hostile relations between the Wafd and Britain occurred in February 1942. On the fourth of that month an ultimatum was sent to the King by the British Ambassador in Cairo announcing that "Unless I hear by 6 p.m. that Nahas Pasha has been asked to form a cabinet, His Majesty King Farouk must accept the consequences." This was accompanied by a British military demonstration around the Royal Palace to force the King to appoint a Wafdist Cabinet. Although there is no detailed information available about that incident, it seems that it was the dangerous military situation of the Allied forces in the Western Desert on the Egyptian frontiers which dictated such

(1) A speech by Nahas Pasha reported in "Great Britain and the East" Vol. LII, No. 1470, p. 98.

(2) R.I.I.A.: op.cit. p. 61; The New York Times, April 3, 1940.

a drastic action. Its aim was to ensure the establishment in Egypt of the most competent government to execute Egypt's obligations during the war as stipulated in the 1936 Treaty.⁽¹⁾ However, a very important point to be considered with regard to that incident is the acceptance or refusal of the Wafd of the charge to form a Cabinet. Actually it accepted, but assuming hypothetically that it did not, Britain would have been in a very critical situation, both in its relations with the King and the people. Therefore, it would seem that there must have been a previous understanding between the British authorities and the Wafd before the taking of such drastic action.⁽²⁾

This has led us to the phase of February 1942 to October 1944, during which the Wafd was in power, and when a truce seems to have been declared between Britain and the Wafd. In spite of the fact that the Anti-Wafdist parties were using the nationalist question

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- (1) Hourani, A.: "The decline of the West in the East," p. 41; Fitzsimons, M.A.: "Britain and the East, 1944-1950," p. 24; Awad, M.: "Egypt, Great Britain and the Sudan," p. 282; R.I.I.A.: op.cit. pp. 70-71; Kimche: op.cit. pp. 32-33; Setton-Williams, M.V.: "Britain and the Arab States," pp. 69-72; Roosevelt, K.: "Arabs, oil and history," pp. 89 and 95.
- (2) It is worth noticing that anti-Wafdist parties considered that action being a British interference in purely internal Egyptian politics which could not have been possible without the collaboration of the Wafd. The Opposition tried to discuss the incident in the Chamber of Deputies in 1942, but it failed because of the domination of the Wafdist majority. La Chambre des Députés: op.cit. op. cit. VIII-i, S. 5 p. 64. Although the incident was not discussed in the following chamber, yet every year the Chamber on that date declared its protest against foreign interference. As an example, on February 4, 1947 the Chamber suspended its sitting for some minutes as a protest against the incident. Ibid, IX-iii, S. 14, p. 91.

as a means through which they attacked the Wafd, the Wafd did not consider it expedient to air such problems during the war. Even when the weak Opposition in the Chamber of Deputies tried to raise the question of national aspirations and the relations with Britain, the Wafdist majority and Government managed to repress it. (1)

However, from the end of the Second World War until its return to power in 1950, the Wafd seems to have been influenced by its desire to appear to the people as their national saviour and hero. In order to take the lead in any national movement that might arise, the Wafd lost no time after the surrender of Germany before presenting, in July 1945, a memorandum to the British Ambassador in Cairo on the subject of national aspirations. It demanded the evacuation of all foreign troops and the settlement of the situation of the Sudan. It also led a campaign against the coalition anti-Wafdist Cabinet for its reluctance to start negotiations with Britain to that end. (2)

When that coalition government officially proposed to Britain the revision of the 1936 Treaty, the Wafd accused it of being very slow and lenient in achieving the country's demands. When negotiations between the Sidky Government and Britain were proceeding in 1946, the Wafd issued a manifesto opposing any

(1) La Chambre des Députés: op.cit. VIII-1, S. 16, pp. 190-192 and S. 17 p. 202; Also VIII-iii, S. 5, pp. 61-62, 64 and 87-89.

(2) Colombe: op.cit. p. 228.

alliance with Great Britain, asserting that an independent country chooses its own allies and does not accept an alliance forced upon it by its oppressors. Again, it opposed any joint defence plan on the basis that the U.N.O. has the right to ensure Egypt's defence. It insisted on the withdrawal of all British forces before any negotiations could take place, and on the principle of the Unity of Egypt and the Sudan.⁽¹⁾

Moreover, when the government decided to appeal to the U.N.O. differences between the Wafd and the Cabinet arose as to the most effective institution to which the Egyptian case should be taken, the Security Council, the General Assembly or the International Court of Justice. When the Government appealed to the Security Council, the Wafd, which always accused the government of being a minority deriving its power not from the people but from the King, denounced its ability and competency to carry out such a task and sent a telegram to that effect to the President of the Security Council.⁽²⁾

(1) Le Monde, November 5, 1946. Cf. R.I.I.A.: op.cit. pp. 86 et seq.

(2) Ibid. pp. 99-100; Aḥr - Rāfi'i: op.cit. Vol. III, pp. 223-234. The text of the cable may reveal the motives behind it. It said: "We know that the U.N.O., as a matter of principle, only accepts complaints from member governments. However, such governments should be democratic and really represent their people.. The present Egyptian Government does not represent the people of the Nile Valley in any way. It does not even represent a homogeneous minority. It represents only feudal reaction and its territorial policy. The Egyptian people fight against that present Government, and for this reason the Wafd declares that the Government's approach to U.N.O. cannot have any value and cannot express the demands of the people of the Nile Valley. These demands are: complete

It is said that "in order to conserve or gain the sympathy of the people, parties usually, while in opposition exaggerate their promises, and they cannot fulfil them when they come to power." (1) That was the case with the Wafd after the return of the Egyptian delegation from Lake Success. It agitated for the abrogation of the 1936 Treaty which it had itself concluded with Britain, and the repudiation of the 1899 agreements with regard to the Sudan. (2)

Did the Wafd follow that policy after its return to power in the beginning of 1950? In fact, it returned to negotiations with Britain for a settlement of the dispute, and it was not before the expiration of a period of nineteen months that the Wafd carried out the policy for which it had agitated while in opposition. In October 1951, it abrogated the 1936 Treaty and the 1899 Condominium Agreements, declaring the King to be the "King of Egypt and the Sudan." (3) However, this drastic action of the Wafdist Cabinet

= evacuation and the recognition of the unity of the Nile Valley - Egypt and the Sudan being two parts of the same nation."

Cf. R.I.I.A.: op.cit. p. 100, n.2. It states that the Wafd accepted the participation in the delegation presenting the case to the Security Council on condition that it should have the majority representation and the chairmanship, and be given the guarantee that a general election would be held after the return of the delegation to Egypt.

(1) Colombe: op.cit. p. 226.

(2) A'r - Rāfi'i: op.cit. Vol. III, p. 234. Cf. The interpellation presented by Fuad Seraj El Din Pasha, the Secretary General of the Wafd, in the Senate, about the national demands and the way for their achievement; reported in La Bourse Egyptienne, November 30, and December 14, 1948; also in The Egyptian Gazette, December 14, 1948.

(3) The Egyptian Green Book, pp. 111 & 167 et seq.: Majlisu'n-Nuwwāb: op.cit. X-ii, S.46 pp. 9-16 and S. 47 pp. 6-8.

seems to have been simply an attempt to divert public opinion from the deteriorating political, economic and social conditions caused by the mal-administration of the Wafdists.

From the foregoing survey of the relations between the Wafd and Great Britain, it is quite clear that the Wafd was a party which sought the settlement of Anglo-Egyptian relations through negotiations, and preferred a treaty to regulate these relations. Moreover, realising the value of the national spirit and how it could be used to gain adherents and sympathisers, the Party tried out that asset against its opponents. Being in a better position, in that it was the organisation which led the people's nationalist movement in 1919, the Wafd attempted to appear to the people as the only organisation which echoed the general will as regards the national demands. Usually it took the extremist attitude while in opposition, but it changed its tone as its seats in Parliament changed from left to right.⁽¹⁾

A very important feature which distinguished the Wafd from other political parties, was the reputation it had for animosity to the Palace, to the extent that the electoral victory of the Wafd in 1950, is said to have been mainly due to that characteristic of the party and the will of the people to rid the country of

(1) That idea was expressed by Mahammad Tawfiq Khashabah, a Saadist Deputy. He quoted extracts from speeches and declarations of the leaders of the Wafd and deduced that the policy of the Wafd while in power was inconsistent with its agitation while in opposition. Ibid. X-i, S. 28 pp. 39-41.

governments directed against the people. (1)

The roots of the hostility between the Wafd and the Palace extended back to 1922 when the Wafd demanded a constituent assembly to frame the Constitution, while the King fearing that such an assembly might deprive him of most of his prerogatives, appointed a committee to draft it. Moreover, these differences gave rise to rumours in Egypt that the Wafd was aiming at the deposition of the King and the establishment of a republic, and it seems that the Albanian and Turkish elements, who had great influence and power in the Palace, had good reason to know that the Wafd stood for the removal of their influence as much as for that of foreigners. (2)

Differences between the Wafd and the Palace usually arose because of the interpretation of the Constitution, especially Articles 60, 61 and 62 stipulating the manner in which the King should exercise his authority. The first conflict of that character arose in connection with the nomination of Senators in the first Parliament in 1924, and was only solved by an arbitration in which the views of the Wafd, which was in power at the time, carried greater weight. (3) This precedent should have established

(1) Ar - Rāfi'i: op.cit. Vol. III, pp. 289-291; Kimche: op.cit. pp. 290-291.

(2) See Supra Chapter I, pp.31-32; Kohn: op.cit. p. 82; Harris, M. Egypt under the Egyptians, p. 128; Newman: Great Britain in Egypt, p. 249.

(3) Von De Bosch: op.cit. pp. 75-79; for a detailed study of that incident see infra Chapter VI, pp.

a constitutional custom, especially after its acceptance by the King; but in spite of that, disputes between the Wafd and the Palace upon this subject appeared repeatedly. (1)

Another factor which increased the strain upon relations between the Wafd and the Palace was the persistent struggle of the former to preserve the rules of the Constitution against the efforts of the latter to maintain and retain as much authority as possible. In other words, the Wafd, as a party in a parliamentary country regarded the political arena as being reserved for the party holding the majority of seats in Parliament and enjoying the confidence of the people, without any interference from the Palace or the King. These views were, of course, unacceptable to the King who tried by every means to maintain his autocratic powers. So it was that in the period between 1924 and 1952, the Wafd came to power six times "with a huge majority, only to be dismissed or forced to resign by the Palace, each time thus demonstrating to the people the indisputable weakness of their political and constitutional structure." (2)

Moreover, the Palace fought the popularity of the Wafd by encouraging splits within the Party, and creating political organisations and parties to oppose and weaken its political

(1) A'r - Rāfi'i: op.cit. Vol. I, p. 150.

(2) Heyworth-Dunne: op.cit. p. 5; Cf. Gibb, H.A.R.: "Anglo-Egyptian relations, a revaluation", p. 441.

authority.⁽¹⁾ The establishment of both the Unionist Party (Hizbu'l-Ittibād) in 1925, and the People's Party (Hizbu'sh-Sha'b) in 1931, was aimed at reinforcing the King's autocracy and weakening the Wafd.⁽²⁾ On the same lines, the Saadist Party and the Wafdist Block (Al-Kutlatu'l- Wafdiyyah) appeared by the encouragement of the Palace.⁽³⁾ Nevertheless, it had always been true that "Egypt under a free election would vote for the leaders of the Wafd, perhaps from a vague belief that they alone will protect her from misrule and exploitation."⁽⁴⁾

The dislike of the Palace for the Wafd heightened in 1942, when the Wafd came to office against the will of the King under pressure from the British Government and in consequence of a British military demonstration. Therefore, the King lost no chance of trying to dismiss the Wafdist Cabinet, and he seized the opportunity of the growing unpopularity of the Wafd to dismiss the Cabinet in October 1944 on account of the accusation of corruption, and because of the deterioration of cordial relations between the Wafd and the British.⁽⁵⁾

(1) Issawi: op.cit. p.170

(2) See supra Chapter I, pp. 51-52

(3) See infra, pp.108-109 & 141-142

(4) Elgood: Egypt, p.127

(5) Fitzsimons: op.cit. p.24; Colombe: op.cit. p.115; A'r-Rāfi'i: op.cit. Vol.III, p.138. The latter mentions that the King wanted to dismiss the Wafdist Cabinet in April 1944 but because of the interference of the British Government he could not. Cf. The Economist, Vol.CXLVII, No.5277, p.507.

Although the overwhelming majority which the Wafd obtained in the 1950 elections was mainly due, as previously mentioned, to its repeated attitudes which had showed hostility towards the King and the Palace, it seems that after coming into power that hostility disappeared and "King Farouk and Nahas Pasha buried the hatchet, and the alliance so formed and maintained between the Crown and the Wafd has given Egypt the strongest Government she has enjoyed since the Constitution was established."⁽¹⁾ The actions of the Wafdist Cabinet gave strength to that theory; but the views that the Wafd changed its attitude towards the Palace after its return to power in 1950 can hardly be reconciled with the fact that the King dismissed its government in January 1952. In fact, the Party might have changed its attitude towards the King and the Palace in attempting to foster its administration, but, it appears quite obvious that the other side of the so-called 'alliance' never changed their views against the Wafd. Moreover, the dismissal was due to the attitude of the Wafd towards Great Britain after the abrogation of the 1936 Treaty when the Wafd nearly broke off diplomatic relations between the two countries.⁽²⁾

(1) Gibb: op.cit. p. 449.

(2) Some of the actions of the Wafdist Cabinet which indicated its friendly relation and change of policy with the King and the Palace are worth recording here:

(A) After the electoral victory of the Wafd, the King appointed Hussein Sirry Pasha, the Prime Minister under whose administration the elections had been carried, to be the Chief of his Cabinet. Sirry described the first interview between the King and Nahas, the new Wafdist Prime Minister, as being the first indication of the Wafdist policy "to preserve their posts by accepting blindly all the caprices of the sovereign."

In its opposition to the Palace and its struggle against Great Britain, "the Wafd has been backed by only a single force: the enthusiasm of the masses which followed it - this source of strength has appeared to be weak in comparison with the powerful

= That became apparent by the fact that the first demands made by the new Prime Minister before sitting down to discuss State affairs were that he should be permitted to pay homage and express loyalty to the King by kissing both of His Majesty's hands.

(B) The King expressed his desire to be exempted from taxes, and asked Sirry Pasha to convey that Royal wish to the Wafdist Cabinet so that they might arrange for the publication of legislation to give effect to that exemption. That caused a difference between the King and the Chief of his Cabinet who resigned on that issue. However, the policy of the Wafd towards the request was that it could not legislate for such an exemption. The plan adopted was that if His Majesty did not pay, the government would not claim anything.

See Sablier, E.: "Comment on perd un trône," in Le Monde, August 13, 1952, where he mentioned these incidents after an interview with Hussein Sirry Pasha. See also: La Bourse Egyptienne, August 26 & 27, 1952.

(C) In 1951, when there was a shortage of American dollars, the Wafdist Government managed to open a supplementary credit in the secret expenditure fund of the Ministry of the Interior, to convert it into dollars, and to transfer it abroad for the credit of the King. The sum amounted to 300,000 American dollars, and was considered to be a payment in advance of the Civil list for the following financial year.

La Bourse Egyptienne, September 25, 1952; Le Monde, September 27, 1952; The Times, September 26, 1952.

(D) When in 1950, the Press attacked the King and the Royal Family on account of their personal behaviour and conduct, the Wafd legislated for the prohibition of the publication of any news about the King without the previous authorisation from the Minister of the Interior.

Majlisu'n - Nuwwāb: op.cit. X-i, S. 39, p. 63.

(E) The attitude of the Wafd towards some constitutional problems for which it had hitherto stood. For instance, it brought about the expulsion of some Senators in 1950 when they had dared to criticize the King's entourage. This point will be discussed later in Chapter VI. Moreover, there was the Party's attitude towards the nomination of Hafiz Afifi Pasha, a 'persona non grata' according to the opinion of the Wafd, to the post of the Chief of the Royal Cabinet in 1951. This should be compared with the Party's opposition in 1937 to the appointment of Aly Maher Pasha to the same post. For further details see Chapter III.

resources which have been at the disposal of the Palace and the Government of London." (1) Upon these facts there could be built one theory regarding the political forces which operated in Egypt. These forces, it could be said, were: the Palace, Great Britain and the Wafd. The latter had to mould its policy to the relative strength of the other two forces. To illustrate this theory, it is sufficient to mention that in 1942, the Wafd allied itself with Britain against the Palace; while in the opposition in 1944-50 it took the side of the people against both Britain and the Palace; and in contrast, after coming to power, it tended to desert the side of the people and co-operated with the Palace.

Here it might be mentioned that the Wafd simply could not understand the actual position of a King in a parliamentary government. The result was that it began at the one extreme of hostile relations with the King and the Palace and ended with being at the other extreme. To look at the matter from the point of view of one solely concerned with the working of the parliamentary institutions, we need only to consider the attitude of the Wafd towards particular legislation in 1930 as against 1951.

In 1930, the Wafd saw that its salvation depended upon safeguarding the Parliament from dissolution; and therefore, prepared a Bill to restrain the King's powers and to ensure constitutional democracy. The Bill provided for the condemnation for high treason of any Prime Minister without a parliamentary

(1) Colombe, op.cit. p. 10.

majority who refused to hold a general election. The disapproval of the Bill by the King forced the Wafd to tender its resignation - in the hope that the King might change his attitude - instead of resorting to the simplest of parliamentary manoeuvring, namely inducing a Wafdist member of Parliament to initiate the legislation as a private member's Bill. (1)

In 1951, in accordance with its policy to surrender to all the demands of the King and the Palace, the Wafd induced one of its members to initiate a private member's Bill suppressing the freedom of the Press. The legislation gave to the Council of Ministers the right to suspend and suppress any newspaper and to the Minister of the Interior a free hand in supervising the Press. The unseen motive behind this legislation was the fact that the King had been subjected to vigorous attacks from some newspapers and that seemed to be the only way to quell them. However, this legislation found opposition inside and outside Parliament, even from amongst the Wafdist themselves, and the member of Parliament who initiated the proceedings was forced to withdraw his measure. (2)

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- (1) Elgood: op.cit. p. 127; Centre d'Etudes de Politique Etrangère: op.cit. p. 63; Kohn: op.cit. pp. 107-111; R.I.I.A.: The Middle East, p. 160; Newman: "Egypt," p. 570. Cf. R.I.I.A.: Great Britain and Egypt, 1914-1951, p. 27, n.1. where it states that: "The Wafd hoped by this combination in legislation to secure control over the exercise by the King of the prerogatives reserved to him under the Constitution, and make it impossible for any one to challenge its position. In the circumstances, in holding up the decrees the King was defending not only his prerogatives, but also his people against the creation of a permanent dictatorship, which the legislation in question was clearly intending to confer on the Wafd."
- (2) A'r - Rāfi'ī: op.cit. Vol.III, pp. 302-303; Majlisu'n-Nuwwāb: op.cit. X-ii; S.38, pp. 27-34; Al-Ahram, July 31, and August 1, 1951; La Bourse Egyptienne, July 21, 25, 26, 27, 28 & 31, and August 2 & 3, 1951.

There is no doubt about the popularity and the wide powerful support the Wafd had enjoyed in Egypt. The difficulty lies in determining the factors behind this popularity. Since, as will be shown in the following pages, political parties' programmes were alike, and their home and foreign policies differed but slightly, it seems as though the popularity of the Wafd was due to the following:

The prime factor in creating the mass support given to the Wafd was the fact that its formation was aimed at the liberation of Egypt from the British Protectorate. That hostile attitude towards Britain gave it a better chance than other parties to attract the people. This argument is strengthened by the fact that whenever the popularity of the Wafd tended to wane, it resorted again to nationalism and the issue of Anglo-Egyptian relations to restore its popularity. For instance, the action of the Wafdist Government in 1951 to abrogate the 1936 Treaty with Britain and to bring an acute crisis, seems to have been an attempt to regain its adherents and popularity which it had lost during the previous year because of its own mal-administration. (1)

In the second place, the popular strength of the Wafd was due to the fact that it was the only party which stood up to the Palace and the King's autocracy. It has been shown previously that one

(1) Aḍr - Rāfi'ī: op.cit. Vol. III, pp. 298-299 & 303-305.

of the main factors behind its sweeping of the polls in 1950 elections was its reputed hostility to the Palace.⁽¹⁾

Thirdly, the fact that the Wafd was the first political organisation appearing in recent history to proclaim the national aspirations, gave it a better opportunity of exciting the emotions of the people by recalling the heroic stands of its leaders. Moreover, most of other political parties were dissentient Wafdist groups, which left to the Wafd all the funds and administrative organisation, and who had to start again to build themselves up.⁽²⁾

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- (1) This argument may be further proved by the deviation of the popular support to the leaders of the Coup d'Etat which dethroned King Farouk in July 1952. Cf. Crossman, R.H. S.: "Egypt's nine just men," p. 56. Also the change of policy of the Revolution from reformative as it started to be characterised with nationalist inspirations could be a proof for the first argument provided above.
- (2) Cf. Ransome: op.cit. The Manchester Guardian, March 30, 1925.

The Saadist Party. (Al-Hay'atu's-Sa'diyah).

This Party which was formed in January 1938, was a dissentient Wafdist group. That may be the reason for the belief that it was only personal differences which led to its formation.⁽¹⁾ A brief survey of the factors leading to the secession of that group from the Wafd would help in understanding the motives behind the creation of that Party.

Differences in the Wafd seemed to have started immediately after the conclusion of the 1936 Treaty about that treaty itself. One group with Nahas Pasha, the leader of the Wafd, at its head considered the treaty an "honourable credential of independence" liberating the country from the British occupation and influence. Another group led by Dr. Ahmed Maher Pasha, the President of the Chamber of Deputies, believed that the treaty was just a step towards the achievement of the country's complete independence.⁽²⁾

The delegation of extensive authority to the Secretary-General of the Wafd, Makram Ebeid Pasha, was resented by some leading members.⁽³⁾ Further, differences about the electrification

(1) Ministère des Finances et des Affaires Economiques: op.cit. p.28; R.I.I.A.: The Middle East, p.168.

(2) Mahir, A.: Khitab 13 November 1938, p.10; see Gurbāl: op.cit. Vol.I, pp.281 et seq. where opinions of Nahas Pasha and his group along with those of Maher Pasha and his group are cited. It is interesting to notice that in spite of that opposition, Maher and his group approved the treaty when it was presented to Parliament. Ibid. p.315.

(3) Graves, P.P.: "The story of the Egyptian crisis," p.300

of the Aswan Dam seem to have been the first clear conflict. These led Nahas Pasha to take the opportunity of the King's coming of age in July 29, 1937 to resign and re-form a new Cabinet from which he dropped Nokrashy Pasha and three other ministers who showed dissatisfaction with his policy. Nahas later became powerful enough to cause their expulsion from the Wafd. This expulsion led to a revival in party politics and alarmed many members of the Wafd who feared the repercussions of that action since it was known that Ahmed Maher Pasha did not agree with Nahas. (1)

In addition, accusations against the Cabinet for their abuse of authority which resulted in the spread of nepotism and corruption in the governmental machine was another factor which led to the formation of the Saadist Party. (2) The crisis between the Palace and the Wafd arising from differences in the interpretation of the Royal prerogatives hastened the formation of this new Party. (3)

All these factors, along with individual ambitions, were quite sufficient to push the new Party forward. It did not appear, however, until after the dismissal of the Wafdist Cabinet and the expulsion of Maher Pasha from the Wafd. That action against Maher Pasha was taken because of his sympathy with Nokrashy and because of

(1) Ibid, p. 301; Colombe: op.cit. p. 72; A'r - Rāfi'i: op.cit. Vol. III, pp. 44-46 & 50-51; The Observer, October 10, 1937; Great Britain and the Near East, Vol. XLIX, No. 1374, p.430.

(2) Mahir: op.cit. pp. 14 et seq. enumerates the features of that corruption. Cf. Graves: op.cit. p. 301; R.I.I.A.: Great Britain and Egypt, 1914-1951, p. 48.

(3) Ibid, pp. 48-50; Graves: op.cit. 302-309.

his apparently hostile attitude when he presided over the sitting of the Chamber of Deputies during which the Royal Rescript dismissing Nahas Pasha was read.⁽¹⁾

The formation of the Saadist Party was declared on January 4, 1938. Although the ground had been ready for the formation of this Party since the dismissal of Nokrashy Pasha from the Wafd in September 1937, it did not come into the open till after the dismissal of the Wafdist Cabinet in December. It might be said that the necessity for forming a new party was not apparent until after the expulsion of Maher Pasha from the Wafd; but the very short period elapsing between that expulsion and the formation of the new party throws suspicion on the existence of some inter-relation between the formation of this party and the constitutional differences between the Palace and the Wafd. This suspicion is associated with the fact that there was a strong belief that Dr. Ahmed Maher Pasha would succeed Nahas Pasha as Premier; but that failing to reach this objective, the Liberal Constitutionalist leader formed the new Cabinet and Maher supported him. Moreover, the adjournment of Parliament in 1938 was made in the hope that differences within the Wafd might result in a split within the Party and that the new Cabinet might secure the confidence of the Chamber without any need for its dissolution.⁽²⁾

(1) A'r - Rāfi'ī: op.cit. Vol. III, P. 58; Māhir: op.cit. pp. 40-42.

(2) Cf. Graves: op.cit. pp. 305 - 309; Setten-Williams: op.cit. p. 68; Saleh: op.cit. pp. 278-280; Ṣabī, A. Al-qānūnu'd-dustūrī, pp. 635-636.

The Party to which supporters of Maher and Nokrashy "broke away from the Wafd on an issue of Party discipline,"(1) in order to secure popularity, adopted its name from that of the original leader of the Wafd, Saad Zaghlul. Its leaders declared that Nahas Pasha and his Party (the Wafd) with the policy they had followed had forfeited the right to consider themselves the successors of the founder of the Wafd. They claimed that the new Party would be organised on the principles of Saad, that they were the real successors to Zaghlul and would pursue his policy to achieve the country's independence, that they would observe the inviolability of the Constitution, and maintain justice and equality amongst Egyptians.(2)

The Party enunciated its programme which could be summarised as follows: (a) the maintenance of co-operation of all Egyptians in order to unify and organise all efforts to secure the country's independence and to enable it to face the necessities of modern civilisation; (b) the remoulding of the old political policies and tactics to reconcile them with the march of time; (c) the

= The viewpoint expressed above about inter-relations between the Palace and the formation of the Saadist Party may be strengthened by the fact that after 1948, the Party complied with the Palace orders and desires; for example the selection of Ibrahim Abdel Hadi Pasha, who had occupied the post of the chief of the Royal Cabinet to the leadership of the Party in 1949; the declaration of war against Israel in 1948, and the dissolution of the Moslem Brotherhood Association in 1948 and the persecution of its members afterwards.

- (1) Mallroy, W.H.: Political handbook of the world, (1940), p. 55.
 (2) Heyworth-Dunne: op.cit. p. 24; Great Britain and the East, Vol. L, No. 1390, p. 49.

establishment of a new national policy aiming at social security through the re-organisation of the country's social and economic structure, the development of agriculture, industry and commerce, and the reformation of the financial system; (d) the rehabilitation of the people to ensure that new generations shall be secured against illness, immorality and illiteracy; (e) the observation of the relations of friendship and alliance between Egypt and Britain based on the latter's recognition of Egypt's independence; and (f) the assurance of friendship with foreign countries, especially oriental states. ⁽¹⁾

That programme of the Party did not change much. On the occasion of coming to power the Saadist Prime Minister declared in 1946 the policy of the government to be identical with that of the Party. That policy centred in the achievement of the national demands, the amelioration of working people's conditions, the reformation of the financial system, and the execution of productive projects such as the electrification of the Aswan Dam and the construction of railways. ⁽²⁾ This policy was again asserted during the Party's campaign for the 1950 general elections ⁽³⁾

Immediately after its formation, the Saadist Party participated in the general elections held in April 1938 and obtained about one-

(1) Māhir: op.cit. pp. 44-45; Qānūnu'l-Hayāti's - Sa'dīyah, Art. I, p. 1.

(2) La Chambre des Députés: op.cit. IX-iii, S.6, p. 18. Cf. Ibrahim Abdel Hadi Pasha's declaration on January 3, 1949; Majlisu'h-Nuwwāb: op.cit. IX-v, S.9, p. 157.

(3) La Bourse Egyptienne, November 4, 1949.

third of the seats in the Chamber of Deputies. The strength of the Party in the Chamber, enabled it to have a decisive influence upon the policy of the various Cabinets between 1938-1942.⁽¹⁾

The success of the Party in those elections was due to the fact that its policy coincided with the national feeling at the time, which has been described as revealing that all Egyptians were agreed upon "the jealous preservation of the national independence, the maintenance of the constitutional monarchy and the parliamentary régime; the relations of Egypt with the Sudan; the upholding of public security; the national defence, the fight against illiteracy, the need of improving the conditions of hygiene the general improvement in the lot of the working classes."⁽²⁾ Administrative interference in the running of these elections might have been another factor tending towards the success of the Party.⁽³⁾

The Party acquired its adherents from the intellectuals, ex-civil servants especially those of high ranks, the upper middle class with industrial and commercial elements. This does not mean that the Party's ranks did not also contain landlords; and it is interesting to notice that the percentage of the Saadist Deputies

(1) La Chambre des Députés: op.cit. VII-iv, S.71, pp. 591-592, where while discussing the reshuffle of, and the participation of the Saadists into the Cabinet such a view was expressed by Abdul Mejid Nafeh and Mahmoud Soliman Ghannam.

(2) Graves, P.P.: "The Egyptian elections," p. 585 quoted from The Times.

(3) 'Id, M.: Nizāmu'l-Intikhāb fi't-Tashrī'i'l-Misri wa'l-Muqāran, p. 120; Great Britain and the East, Vol. I, No. 1403, p. 413.

from this last category had been increasing.⁽¹⁾

The first tribute due to the Saadist Party is the appreciation of the policy of financial reform which it initiated while in power in 1938. This reform comprised the re-adjustment of land taxes, the creation of some new income taxes, the subjection of industrial, commercial and financial profits as well as dividends to taxation, and the introduction of stamp duties on deeds, transactions, advertisements, etc. Death duties were also envisaged, but the Bill dealing with them was blocked in the Senate; and they were not imposed until 1944.⁽²⁾ In continuation of its financial policy and in order to achieve social justice, the Party while in power in 1948 introduced legislation for the imposition of a progressive income tax.⁽³⁾

Along with the party's efforts to encourage small holdings through the distribution of reclaimed cultivated areas among peasants who did not possess any land, and with the reduction of taxes on small land holders, the Saadists gave attention to the need for the standard of living being raised.⁽⁴⁾ Accordingly, it began

(1) According to data obtained from the Secretariate of the Chamber of Deputies, the Saadist Deputies coming under the heading of landlords formed 49.4%, 53.9%, and 71% of the total number of the Saadist Deputies in 1938, 1945 and 1950 respectively.

(2) Issawi: op.cit. pp. 140-141; Cf. R.I.I.A.: op.cit. p. 59.

(3) La Chambre des Députés: op.cit. IX-iv, S.31, pp. 3-11, Cf. Hassan, A.M.: A comparative study of income taxes in Britain, Egypt and France, pp. 101-103.

(4) La Chambre des Députés: op.cit. IX-ii, S. 23, pp. 208 et seq. Notice is to be paid to the refusal of the Chamber of a resolution urging the government to distribute the general domain.

to apply the Wafdist policy towards education. It introduced free primary and technical education in 1945. The party claimed to be as liberal in its views towards educating the people as the Wafd. The part of the Budget devoted to education might have increased in figure but not in proportion to the total of the State expenditure.⁽¹⁾ It paid attention to public health and continued the policy of the Wafd of establishing social and hygienic units in the villages, and it is said that during the period when the Saadists were in power two hundred units were set up. In addition, the party adopted a housing policy to secure dwellings for industrial and agricultural workers alike, and made efforts for the reclamation of land, the establishment of barrages and the construction of canals and drains.⁽²⁾ As regards industry, along with the execution of the electrification of the Aswan Dam to provide the power needed for the revival of some industries,⁽³⁾ the Industrial Bank was established to facilitate the financing of new industries,⁽⁴⁾ Chambers of industries were created to foster the

(1) The Saadist Party when first held office in 1944 allocated the sum of £E.9,994,020 representing 11.1 per cent of the total expenditure of the financial year 1945-46, for education. The sum increased in 1949-50 to £E.19,365,570 but did not count to more than 10.3 per cent of the expenditure. Cf. Hassan, A.R.: "State Expenditure in Egypt," III, pp. 52-53. For more detailed figures see The Ministry of Social Affairs: Social Welfare in Egypt, p. 95.

(2) A'r-Rāfi'i: op.cit. Vol. III, pp. 274-276; Abdul-Hādī, I.: Khitāb November 13, 1949.

(3) La Chambre des Députés: op.cit. IX-i, S. 24, pp. 2-4.

(4) Ibid, IX-ii, S.6, pp. 25-30.

position of existing industries,⁽¹⁾ and a law was promulgated enabling the Egyptianisation of joint stock companies.⁽²⁾

For all these activities along with the refusal to renew the concession of the Cairo lighting company in 1948, the Saadists claimed to be socialists; yet it is difficult to reconcile the policy of the Saadist Party with that of socialism. It seems that it was the current international political set up which induced the Saadist Party, and other Egyptian political parties, to claim that they were socialists whilst in reality they were far from being included in that category. However, these actions of the Saadist governments were along the lines which every government followed in order to develop the resources of the country and raise the standard of living of the masses. Moreover, when practical issues emerged which could have showed the real socialist inclinations of the Saadists, if there were any, they avoided them. For example when, in order to raise the standard of living, the fixation of a minimum wage for rural labourers and the limitation of landownership were urged, neither the Saadist government nor the Saadist dominated Parliament showed any earnestness in that direction.⁽³⁾

An important feature which distinguished the Saadist Party from all other political parties is its attitude towards the Second World War and the necessity that Egypt should participate in it instead of standing apart as a non-belligerent State. At the

(1) Ibid. IX-iii, S. 8, p. 34.

(2) Ibid. IX-iii, S. 12, p. 2.

(3) Ibid. IX-ii, S. 11, p. 89; IX-iii, S. 16, pp. 124-125.

time when other political parties and independent politicians were insistent on Egypt's avoiding the dangers and horrors of the war, and urged that "Egypt would take part in the war only if Italian soldiers took the initiative in an invasion of Egyptian territory, destroyed Egyptian towns by bombardment, or if Italy carried out air raids on Egyptian military objectives."⁽¹⁾

In holding the view that it was necessary for Egypt to take part in the war, the Saadists were seeking grounds for the defence of Egypt against both the Italians during the war, and the British at its end. Although the idea of Egypt having a belligerent part did not find enough popular support, and the Wafd attacked the Saadists for trying to push the country into the war, the latter insisted on their views and the Saadist ministers resigned when the Cabinet, in September 1940, rejected their proposal to declare war against Italy in defence of Egypt against the former's aggression.⁽²⁾

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- (1) R.I.I.A.: op.cit. p.63. Cf. Colombe: op.cit. p.85; The New York Times, August 28, 1940 reports that the Chamber of Deputies passed a resolution in that effect.
- (2) R.I.I.A.: op.cit. pp.65-66; Colombe: op.cit. pp.89-91; A'r-Rāfi'ī: op.cit. Vol.III, pp.91-94. Cf. Great Britain and the East, Vol.LV, No.1531, p.233 where it says that the Saadists expressed the public opinion in their demands of declaring war against Italy. In the letter sent to the Prime Minister urging the declaration of war, the Saadists declared: "We are well aware of the dangers to which Egypt is exposed resulting from the calamity of war, but consider that it is better for Egypt's honour and independence to bear such calamities than to bear the shame of cowardice and humiliation of her reliance on others to defend her soil." The Manchester Guardian, September 24, 1940. See The New York Times, September 22, 1940 where it quotes El-Nokrashy Pasha in defence of the party's viewpoint to declare =

The opportunity to carry out the Party's policy in that matter came in 1945 when the Yalta Conference resulted in the decision that any State taking part in the San Francisco Conference and becoming a founder-member of the United Nations should have declared war against the Axis by the beginning of March. In compliance with this decision Egypt declared war on February 26, but at the price of the assassination of the Saadist Party leader, Dr. Ahmed Maher Pasha. (1)

As regards the Party's attitude towards Great Britain, and the achievement of national demands, one must remember the Party's views on the 1936 Treaty with Britain. In spite of these views, already mentioned above, the various governments, whether the Saadist Party participated or not, did, during the Second World War, implement all obligations incumbent upon Egypt as stipulated in the treaty. It was under a Saadist Government that Egypt awaited the end of the war. "The war itself served as a forcing-house for all the continual grievances of Egyptian nationalism, and completely undid the

- war despite Great Britain did not ask for such action. He declared: "We consider that it is our duty to defend our country against invasion whether it is demanded of us or not." Cf. La Chambre des Députés: op.cit. VII-iv, S.7, pp.27-29, where, although the discussion of the part of the Speech from the throne dealing with the war, the military situation, and the foreign policy was discussed in a secret session, differences between the Saadists and other political groups are shown.

- (1) La Chambre des Députés: op.cit. IX-i, S. 7, pp. 1-2 and S.8, p. 3; Colombe: op.cit. pp. 227-228, R.I.I.A.: op.cit. p. 81; A'r-Rafi'i: op.cit. Vol. III, pp. 150-153; Russell, T.: Egyptian service, 1902-1946, pp. 214-216.

psychological effects of the treaty. All classes suffered in one way or another from shortages of various kinds - foodstuffs, consumer goods, fertilizers; and the great mass of townspeople in particular suffered severely from rising prices." (1) Therefore, the Saadist Party and "Egyptian parties all but unanimously assumed that they would be rewarded for their wartime co-operation for which they were so often thanked by the British, and that their reward would be the revision of the Anglo-Egyptian Treaty of 1936, the complete withdrawal of British forces and the effective recognition of the Egyptian sovereignty over the Sudan." (2)

The reluctance of the Saadist Government to open negotiations with Britain to that effect, induced the Wafdist Opposition to attack the government and the Saadist Party. Whenever the Prime Minister was asked about the time which would elapse before negotiations would begin, the Saadist leader, El-Nokrashy Pasha, always replied: "When the right time comes." In their attack against the Saadist Party, the Wafdist Press nick-named him "His Excellency the Right Time." This might be the factor which induced the statement in the 'Round Table' that at this time Egypt "was in a mood to respond generously to generous treatment. There is every reason to believe that the 1936 treaty could have been replaced by an agreement which would have secured Britain's vital interests in the Middle East on the soundest foundation of all -

(1) Gibb: op.cit. p. 71.

(2) Fitzsimons: op.cit. p. 24.

the willing co-operation of a grateful Egypt."(1)

However, in spite of the statement by the Prime Minister in the Chamber of Deputies that the achievement of the national aspirations was the duty of every Egyptian nationalist,(2) the government did not formally ask for the opening of negotiations with Britain for that purpose till late in December 1945.(3) The parties opposing the Saadist-Liberal Constitutionalist coalition agitated against the government and demanded not the revision of the treaty, but its denunciation altogether. The position of the Saadist Party became rather difficult when the text of the government's note to Britain was published.(4) It was accused of being very lax in its efforts towards achieving the nationalist demands and especially the

(1) "Anglo-Egyptian Relations," p. 115.

(2) La Chambre des Députés: op.cit. IX-i, S.34, p.2. That statement was on August 6, 1945.

(3) Ibid, IX-ii, S. 10, pp. 76-77.

(4) The text of this note along with the British reply was issued by the British Foreign Office on January 30, 1946. The text of the Egyptian note mentioned that:

"The Egyptian Government, certain that they are interpreting a unanimous national sentiment, consider that the manifest interests demand that the two parties should revise, in the light of recent events of their experience, the arrangements which govern their mutual relations at the present time. It is certain that the treaty of 1936, was concluded in the midst of an international crisis, at a moment when the spectre of war was already appearing, and it is to these circumstances that it clearly owes its present form.

"For this reason, and in view of the unanimous urge of the Egyptian people and their ardent desire to see their relations with Great Britain established on the basis of an alliance and a friendship which will no longer be inspired by past prejudices or out-of-date doctrines, the Egyptian Government express their confidence that these views will be shared by their ally, and that the British Government will take steps to fix an early date for an Egyptian delegation to proceed to London to negotiate

unity of the Nile Valley. Riots of students and industrial workers flared up in Cairo and Alexandria in protest against the weakness of the government in its attitude towards the achievement of the complete independence of the Nile Valley.⁽¹⁾ At any rate, at this stage, the Saadists realised that they could not carry on with their policy against the national will and the coalition cabinet presided over by El-Nokrashy Pasha resigned.⁽²⁾

After this resignation, which occurred on February 15, 1946, till the acceptance of the Party to take part in the Sidky Cabinet in September of that year, it was the support of the Saddist Party which gave the Cabinet enough confidence to proceed with negotiations with Britain for the revision of the treaty, and it was the only political party which participated in the Egyptian delegation for negotiating that revision with two representatives.⁽³⁾

= with them the revision of the treaty of 1936. It goes without saying that the negotiations will include the question of the Sudan and will be inspired by the interests and aspirations of the Sudanese."

The Times, January 31, 1946.

(1) La Chambre des Députés: op.cit. IX-ii, S.14, p. 145.

(2) R.I.I.A.: op.cit. pp. 83-86; Colombe: op.cit. pp. 228-230.

(3) A'r-Rafi'i: op.cit. Vol. III, pp. 189-190; La Chambre des Députés: op.cit. IX-ii, S. 30, pp. 262-264, where it was only the Saadists who expressed their satisfaction with the course of the negotiations while the Nationalist Party condemned them and both the Liberal Constitutionalist Party and the Independent Wafdist Block abstained to express any views. Also S. 35, p. 306, after discussing the Egyptian case and the negotiations, and the political situation with regard to Egypt's relation with Britain, the Saadist majority initiated a resolution that: "After hearing the exposé of the President of the Council of Ministers, and the debate about it, the Chamber estimates that the attitude of the Egyptian negotiators is irreproachable and decides to accord them its support"

The Party played an important and effective rôle in getting so far as the draft treaty known as the Sidky-Bevin agreement in 1946; thus it was a Saadist Minister of foreign affairs, who became later the leader of that Party, who initialled the agreement with the independent Prime Minister on the Egyptian side. Moreover, the Saadists were the leading political party in favour of that treaty, while all other politicians, with the exception of the Liberal Constitutionalists and some independents, were opposing and condemning it.(1)

Following the resignation of Sidky Pasha in December 1946, because of his failure to reach an agreement with Britain, the El-Nokrashy coalition Cabinet tried to reach a compromise with the United Kingdom on the conflicting clauses of the Sidky-Bevin draft treaty.(2) The efforts of the Saadists to reach an agreement were a failure since their policy, especially towards the Sudan, did not gain the approval of the London Government. In a statement in the Chamber of Deputies on December 16, the Saadist Prime Minister asserted that policy saying: "In affirming the permanent

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- (1) That could be deduced from discussions in the Chamber of Deputies about the negotiations. Refer to: *La Chambre des Députés*: op.cit. IX-iii, S.2, pp. 7-9; note the resolution pressed in the Chamber by the Saadist majority. Ibid. S.3, p. 11. Cf. Sidqī: *Mudhakkirātī*, pp. 126-127; Papers regarding the negotiations for a revision of the Anglo-Egyptian Treaty of 1936, p. 2. The Sidky-Bevin agreement never came into existence because of differences between Egypt and the United Kingdom on the interpretation of the clauses concerning the Sudan. Cf. *R.I.I.A.*: op.cit. pp.93-98.
- (2) Ibid. p. 98; *La Chambre des Députés*: op.cit. IX-iii, S.6, pp. 18-24.

unity of Egypt and the Sudan under the Egyptian Crown, we but expressed the unanimous will and wishes of the inhabitants of this Valley When I state the unity of Egypt and the Sudan under the Egyptian Crown is a permanent unity, I hope that the whole world will understand that I am expressing the opinion of all Egyptians and all Sudanese. There is therefore, no ground to suspect that we wish to colonize the Sudan, as the desire to dominate cannot exist between brothers."(1)

Failing to reach a solution for settling relations with Britain, the Government decided, on January 25, 1947, to break off negotiations with the United Kingdom Government and to appeal to the Security Council concerning the whole question of Egypt and the Sudan. To this effect the Saadist Prime Minister made announcements in both Chambers of Parliament, (2) and to this action of the Saadist Party the British Foreign, Secretary replied in the House of Commons that "the British Government would hold to the 1936 treaty until it could deal with 'a more fully representative Egyptian Government.'" (3)

Although the Security Council did not arrive at a decisive conclusion about the Anglo-Egyptian conflict and has so far left the Egyptian question unsolved on its agenda, the significance of bringing the bilateral Anglo-Egyptian dispute to be discussed by an

(1) Ibid, IX-iii, S.6, p. 23.

(2) Ibid, IX-iii, S.13, pp. 2-5; A'r-Rāfi'ī: op.cit. Vol.III, pp. 221-222.

(3) R.I.I.A.: op.cit. p. 99.

international organisation cannot be overlooked. This was the first time that such an international institution had participated in the attempts to find a settlement for Anglo-Egyptian differences; and it is recalled here that the denial of Egypt's right to defend its national demands in the Peace Conference after the First World War was the main factor in creating the Wafd and causing the flare up of the 1919 Revolt. This provides one with an explanation of the Wafd's attitude to the Saadist Party while these discussions were proceeding in the Security Council, and of the former's continual attacks even to the extent of cabling the Security Council denying the representative character of the Saadists and the Government they were forming. Had the Saadists succeeded in finding a settlement for the relations with Britain through the arbitration of an international organisation, the Wafd would have lost one of the most important assets on which it counted for its popularity.

After the return of the Egyptian delegation from Lake Success, it became evident that the Saadist Party tended to follow an extremist policy. It declared that it would undertake negotiations with Britain only after the evacuation of its troops; that in carrying out this policy Egypt should ignore Britain and try to establish good relations with and seek the help and technical advice of some other country; and that it should reinforce its army and pay attention to the internal conditions of the country. (1)

(1) A'r-Rāfi'i: op.cit. Vol. III, pp. 234-235; Cf. Majlisu'n-Nuwwāb: op.cit. X-i, S. 28, p. 39. The Saadist Deputy Mohammed Tawfik Khasabah declared that the policy of the Saadist Party at that stage was "to reinforce the army as much as possible, and to act without being bound up with the provisions of the 1936 treaty which became null and void."

Although the Saadists had tried to secure the help of the U.S.A. in order to find a solution for Anglo-Egyptian differences, they did not keep to their policy with regard to negotiations with Britain. They had sought a settlement but did not succeed in obtaining it.⁽¹⁾

It can be rightly said, therefore, that the Saadist Party had a more conciliatory attitude towards Britain than the Wafd. It preferred an agreement or a treaty with the United Kingdom to regulate the relations between the two countries. Although it might appear that the Party deviated from that policy in 1947 when it broke off negotiations with Britain and appealed to the Security Council, the fact is that such an action was not taken by the Saadists except under pressure from the people and other political parties.⁽²⁾

A study of the Saadist Party would not be complete without referring to its responsibility for the War in Palestine in 1948, which ended in a shameful defeat of the Egyptian forces. It is not the scope of this work to study the Palestinian problem and the Zionist danger to the Arab States. Although one cannot disregard the threats to the States of the Middle East from the establishment of a State within that area founded principally upon religious and racial basis, it would seem that the governments of these States, and especially the Government of Egypt, "had created a Frankenstein

(1) Ministère des Finances et des Affaires Economiques: op.cit. p. 28; R.I.I.A.: op.cit. pp.

(2) Cf. Colombe: op.cit. pp. 237-238.

monster for themselves in fostering the heady and uncritical nationalism of their urban masses,"(1) in order to divert the attention of these masses from the more important issues, namely their economic and social standards, and their national aspirations.

The Saadists are responsible, therefore, not only for the diversion of public opinion, but also for participating in these military actions without sufficient equipment and previous preparation. They are to be blamed for all the economic and political repercussions of that war. In other words the Saadists are responsible for the expenditure of all the reserve funds, and for diverting even those voted for social, economic and hygienic schemes to be spent on a cause in which they had not sufficient confidence for its success. Moreover, because of that so-called war the country was governed and suffered from martial law for two years beginning in May 1948.(2)

The Saadist Prime Minister, El-Nokrashy Pasha, exercising his powers as General Military Governor, ordered on December 8, 1948, the dissolution of the association of the Moslem Brotherhood (Jam'īyatu'l-Ikhwāni'l-Mullimin)(3) because of its terrorist attitude. In consequence of that action El-Nokrashy was

(1) R.I.I.A.: op.cit. p. 116.

(2) Cf. Heyworth-Dunne: op.cit. p. 48.

Under the new regime of government in Egypt, a former leader of the Saadist Party, Ibrahim Abdel Hadi, who was holding the post of the Chief of the Royal Cabinet in 1948 was accused of and condemned for pushing the country in a war without sufficient and previous preparation.

(3) It was an organisation established by Hassan Al-Banna, a school teacher, in the late twenties. It was principally aimed at the revival of Islam, its traditions and teachings. The place from which the association emanated, Ismailiyah which

assassinated by a fanatical youth, a member of the Brotherhood. Succeeding El-Nokrashy in the Premiership and the leadership of the Saadist Party was Ibrahim Abdel Hadi Pasha who notwithstanding his declaration to Parliament after the formation of his Cabinet that "the foundation of this government's policy is the observation of public and individual freedoms,"⁽¹⁾ followed a policy which had grave effect on his own popularity, on that of his government and of

was mostly inhabited by Europeans working for the Suez Canal Company, may indicate that it was an anti-foreigners' movement. From its formation until its dissolution in 1948, and even after its revival in 1950, the Moslem Brotherhood never appeared as a political party. Notwithstanding that the Brotherhood meddled in political activities its leader often stressed the fact that they were "neither politicians nor a political party but simply nationalists working for the welfare of Egypt and the restoration of usurped Egyptian rights." ("Nationalism in Egypt - The Muslim Brotherhood Campaign," The Times, November 28, 1946).

Membership of the Brotherhood ran to hundreds of thousands. In spite of there being no accurate estimation of the number of participants in this organisation, its religious character and organisation all over the country gave it a strong position in Egyptian social and political life. All its activities in the political field were from behind the scenes. It associated itself with different political groups and parties and helped them morally, if not materially. Its first political liaison was with Aly Maher Pasha in 1939 before World War II. When his Cabinet failed, the Moslem Brotherhood was banned during the war to appear again more powerful. In 1942 it made a truce with the Wafd, which continued until 1946 when it turned its back on the Wafd and collaborated with Sidky Pasha. The change of attitude of the Moslem Brotherhood continued until the association was dissolved in December 1948. Nevertheless when it was reorganised it started with an understanding with the Wafd which was responsible for its revival. However, that understanding did not last long because of the Wafd's attitude towards Britain during its tenure of office in 1950-1951.

Montague, R.: "Modern nations of Islam," pp. 585-587;
 Alexander, M.: "Left and right in Egypt," pp. 123-128;
 Setton-Williams: op.cit. pp. 87-89; Colombe: op.cit. pp. 264-269.
 For a detailed study of the Moslem Brotherhood see: Heyworth-Dunne, J.: Religious and political trends in modern Egypt.

(1) Majlisu'n-Nuwwāb: op.cit. IX-v, S.9, p. 158.

the party under his leadership.

In his capacity as a military governor, Abdel Hady opened concentration camps in which to detain members of the Brotherhood along with any persons suspected of having sympathy with that association or possessing any liberal or communistic tendency. Although terrorism prevailed in the country at that time, and although the government frequently announced that munitions, radio transmitters and military uniforms were collected by them under their emergency powers from so-called cells of illegal Moslim Brotherhood and underground communists, conditions could hardly justify the extensive mass arrests which took place. These actions were justified as being essential for the repression of an alleged revolution against the then existing system of government. But in reality these steps were motivated by a desire to maintain the prestige of the King whose popularity had been waning almost daily and in order to counter forcibly the dissatisfaction that had been increasing among all sections of the population because of the pressing economic difficulties. The repercussion of that policy on the popularity of the Saadist Party clearly appeared in the general elections of January 1950 when it did not succeed in securing more than twenty-eight seats out of a total of 319 in the Chamber of Deputies.

The Liberal Constitutionalist Party.
 (Hizbu'l-Ahrārī'l-Dustūriyīn)

This Party is the outcome of the differences in the Wafd in 1921 about the Milner Mission. It was on October 30, 1922, when the formation of the Party was declared under the leadership of Adly Pasha Yaken who was well known through his controversy with Zaghlul, the leader of the Wafd. The Liberal Constitutionalist Party filled the vacuum left after the disappearance of the Umma Party. It comprised the same followers and adopted the same principles as the Umma Party except that the Liberal Constitutionalists were "inspired by the policy demanding complete independence, a policy which became the 'raison d'etre' of all Egyptian parties and groups."⁽¹⁾

A glance at the country's conditions at the time of the formation of the Liberal Constitutionalist Party clarifies the purpose of its formation. The country was in a political turmoil: the Wafd, on one side, was agitating against the Declaration of February 1922, the Government and the politicians who had accepted it, and the Committee of the Thirty which had been established to frame the Constitution. On the other side, the Government felt a gap between itself and the people and tried to narrow it, if not

(1) Heyworth-Dunne: op.cit. p.5. See supra Chapter I, pp.28-29. Al-Aqqād: op.cit. pp.339-346; Ghurbāl: op.cit. Vol.I, p.3. Cf. Landau: op.cit. p.314; He considers the appearance of that Party a natural result of the awakening and development of public opinion and the spread of education.

eliminate it altogether. A political party was the only means through which the Government could achieve its object and the Liberal Constitutionalist Party was born. This concept is strengthened by the fact that although Adly Pasha was the type of man who did not like political rivalry, yet he accepted the leadership of the Party after being convinced that the Ministry of Sarwat Pasha, (in office at that time), which the new party would support, was a continuation of his own which had collapsed in 1921 because of the failure of the negotiations with Great Britain. Moreover, the unpopularity of the Party amongst the people who were backing the Wafd may be another indication. This unpopularity of the Liberal Constitutionalist Party, and the hostility of the nation to it was clearly shown when two of its leading members - Hassan Pasha Abdul Raziq and Ismail Bey Zohdi - were assassinated on November 16, 1922 in a car in which both Adly Pasha and Sarwat Pasha were believed to be found. (1)

The eighteen-paragraphs programme of the Liberal Constitutionalist Party enunciated in 1922 continued in existence for the whole duration of the parliamentary government, except for a very slight change introduced and approved by the Party's general committee in

(1) Shaffiq: Hawliyat, Vol. I, p. 3; Vol. III, pp. 340-344; Shaffiq, A.: Mudhakkirātī Fi Nisfi Qarn, Vol. III, p. 293; Ar-Rafi'i: op.cit. Vol. I, pp. 68-69; Haykal: op.cit. Vol. I, pp. 145-148; Sidqi: op.cit. p. 35; Hocking: op.cit. p. 58; Yeghen: op.cit. p. 81.

Here is a party established for the promotion of a particular set of doctrines and ideas amongst the people. See Bryce: op.cit. Vol. I, p. 126. Cf. The formation of the Parliamentary Wafd Party, see *supra*, p. 48

March 1941.⁽¹⁾ Besides the common demand for the complete independence and the unity of Egypt and the Sudan (§ 1); the Party called for the development of constitutional government, and of central and local representation accompanied with the preservation of the nation's sovereignty and the rights of the Throne (§§ 3-4); the protection of individuals' rights and the safeguarding of their freedom within the limits of public benefit (§ 5); the defence of the country against any foreign aggression or intervention (§ 6); the combat of illiteracy among men and women alike through establishing free compulsory elementary education (§ 7); the improvement of hygienic and financial conditions of the country (§§ 8-9); the fair distribution of the burden of taxation (§ 10); free trade (§ 11); developments in agriculture, irrigation and drainage (§ 12); improvements of industry and transport (§ 13-14); encouragement of the co-operative movement and societies, and Egyptian companies to undertake public works (§§ 15-16); increase and utilization of the country's national resources (§ 17); and the regulation of relations between employers and employees (§ 18).

The Party's programme brought nothing new into political orientation. In spite of the fact of the resemblance between the objects of the Wafd and the Liberal Constitutionalist Party, namely

(1) Qānūn Hizbu'l-Ahrārī'l-Dustūriyīn, pp. 4-7; Shafīq: Hawliyat, Tamhīd, Vol. III, pp. 335-337; Landau: op.cit. pp. 318-319. Cf. The programme of the Party manifested during the electoral campaign in 1949, La Bourse Egyptienne, November 14, 1949.

the achievement of Egypt's complete independence and its unity with the Sudan, the means by which each party tried to reach its object differed. The Liberal Constitutionalists had pursued, in general, a policy of moderation.⁽¹⁾

Although the Party intended to satisfy diverse social elements, and, in so doing enunciated its programme containing progressive social, educational and economic reforms, the Party seemed to be a grouping of the upper bourgeoisie, embracing the wealthiest landlords and businessmen who evaluated the economic benefits they derived through the efforts of the Egyptian administration helped and directed by the British, and found common interest in transacting business with Britain especially in the textile industry. Moreover the Party comprised the "majority of the old feudal aristocracy of Turkish and Circassian descent (who) were still on the side of the Government against the nationalist movement; they feared it (the nationalist movement) as the product of the democratic nineteenth century, involving the rise of new classes that might dispute their dominance."⁽²⁾ The party seems, therefore, to have had connections with the Palace and prepared to work in collaboration with the King.⁽³⁾

(1) Mallory: op.cit. (1950), p. 57; Shafiq: Hawliyat, Tamhid, Vol.III, p. 325.

(2) Kohn: History of nationalism in the East, p. 191.

(3) Shafiq: Hawliyat, Vol. I, p.2: Centre d'Etude de Politique Etrangere: op.cit. pp. 30-31; Ministère des Finances et des Affaires Economiques: op.cit. pp. 26-27; Arminjon: op.cit. p.8; Saleh: op.cit. p. 189; Hayter: op.cit. pp. 44-45; Hocking: op.cit. pp. 58-59; Mallory: op.cit. (1950), p.59; Landau: op.cit. pp. 319-322; R.I.I.A. Great Britain and Egypt, 1914-1936, p. 66; Kohn: Nationalism and imperialism in the Hither East, pp. 82-83; Newman: Great Britain in Egypt, p. 239-240. Colombe: op.cit. pp. 14-15.

The Liberal Constitutionalist Party would have contributed much to the development of the representative system and helped in the promotion of the parliamentary government, if it had not been used and accepted the position of being cat's paw for the Palace. Because of this fact, the Liberal Constitutionalist Party, while in power, whether by itself or in coalition with other reactionary groups, violated the principles of successful parliamentary government and infringed the law of the Constitution. The Party shares responsibility for the suspension of parliamentary life in 1925 and for the unconstitutional dissolution of the Chamber of Deputies in that year, with a sole aim, namely strengthening the authority of the Palace and the autocracy of the King. Again, the Party bears complete responsibility for the second constitutional crisis in 1928 and for governing the country with the "Iron Hand" with no other object in view than that which had created the first crisis in 1925. (1)

It might be claimed, however, that these two clear violations to the Constitution took place in the early life of a newly introduced parliamentary system of government, and that the Party had refuted the reputation it had acquired as insistent on reactionary form of government when it took the side of the people in their struggle against Sidky's Constitution (1930-1935). (2) But how can

(1) Aḡr-Rāfi'ī: op.cit. Vol. I, pp. 68-69 & 208 et seq; Vol. II, pp. 47-52; Kohn: op.cit. pp. 103-107; Landau: op.cit. p. 319. About the two crisis see Supra Chapter I, pp. 50-51 & 55-59

(2) Kohn: op.cit. p. 112.

one reconcile this view with the responsibility of the Party for fabricating the results of the 1938 elections as representing the people's will; something which to a great extent, usually brings consequences very similar to the suppression of Parliament altogether, namely instituting a government which does not represent the people, nor acts according to their will.⁽¹⁾

An important question rises: Why was the Liberal Constitutionalist Party distinguished by its reactionary attitude to the Parliamentary system? An answer can be found in the previous pages, but it is our concern here to emphasize it. First of all, the Party was born at a time when the people thought that there was no place for it in the political arena. They understood that its appearance was only intended to suppress their struggle for complete independence, i.e. the sovereignty of Egypt without interference from Britain, the unity of Egypt and the Sudan, and the establishment of constitutional representative government. The attitude of the masses towards the Party was clearly illustrated when two of its members were, as previously mentioned, assassinated. In the second place, the Party, ever since its formation, had created a wide gap between itself and the masses. As has been indicated above, the Liberal Constitutionalist Party had an exclusive membership drawn from the remnant of the old Turkish aristocracy and the surviving elements of the feudal system. It was noticed

(1) A'r-Rāfi'i: op.cit. Vol. III, p. 60; 'Id: op.cit. p. 120.

that members of Parliament bearing the political label of this Party won their parliamentary seats either because of their family and personal influence and feud, as was the case in 1924, or through fraud of electoral results as happened in 1938.⁽¹⁾ The Liberal Constitutionalist Party never enjoyed the popular support which, in a successfully working representative democracy, should be the only force to bring a party into office or turn it out. Therefore, there was no other alternative for the Party than to collaborate with the Palace in order to increase the autocracy of the King and crush their mutual rival, the Wafd backed by the people.⁽²⁾

To evaluate the political stand of the Liberal Constitutionalist Party, it is sufficient to notice that after five years - 1944-1949 - during which the Party held appointments in every Cabinet that Egypt had, because of the discontent of the people with the governments of that period, the leader of the Party, Dr. Mohamed Hussain Haykal, declared on the day following the collapse of the coalition, that: "the Liberal Constitutionalist members are only responsible for matters relevant to their individual authority. With regard to the general policy of the different governments in which they have participated for the past five years, they are not responsible as they did not assume the Presidency of the Council of Ministers."⁽³⁾

(1) Haykal: op.cit. Vol. I, p. 224; 'Id: op.cit. p. 120; Aḥr-Rafī'ī: op.cit. Vol. I, p. 12.

(2) Cf. Colombe: op.cit. p. 15; Centre d'Etude de politique Etrangère: op.cit. p. 31.

(3) Al-Ahrām, November 4, 1949.

This statement cannot be interpreted except that the Party reached the stage that, even while in power, it could not frame a policy to cope with its programme.

As regards the Party's attitude towards Britain, it should be noticed, first of all, that the group of politicians which formed the Liberal Constitutionalist Party had dissented from the Wafd because of that group's tendency, which was characterised by a conciliatory and compromising position towards Britain. Therefore, it is not strange that this Party had favoured negotiations with Great Britain as the most suitable means of achieving the independence of Egypt and the Sudan, and had pursued a policy of moderation. It encouraged and approved all negotiations with Great Britain, whether the Liberal Constitutionalists took part in carrying them on or not. Such an attitude may be due to the fact that since the Party's rival, the Wafd, had the widespread popular support, the Liberal Constitutionalist Party could derive certain political advantages and support from Great Britain. (1)

(1) R.I.I.A.: op.cit. p. 66; Centre d'Etude de politique Etrangère: op.cit. p. 30; Colombe: op.cit. pp. 15-17; A'r-Rāfi'i: op.cit. Vol. I, p. 198; Vol. III, pp. 13-15 & 84-95; Haykal: op.cit. Vol. I, pp. 276-277, 283-284 & 309-312.

II - Minor Political Parties.

The National Party (Al-Hizbu'l-Waṭani).

It is the party established by Mustafa Kamil in 1907 as previously mentioned.⁽¹⁾ It arose at the beginning of the twentieth century as an outcome of the nationalist movement appearing in Egypt at that time. This nationalist movement was "a townsmen's movement, it was the first awakening of a new middle class influenced by Europe and brought into existence by the adoption of Western types of economy and civilisation".⁽²⁾ This fact throws light on the type of men who formed that Party.

According to its programme, the national Party stood for the development of representative government and the improvement of the standard of living. It opposed any negotiation with Great Britain and demanded the absolute independence of the Nile Valley, its evacuation by the British and the neutralisation of the Suez Canal under Egyptian protection. The party's attitude towards negotiations with Britain, and the slogan which it had adopted, that there must be no negotiation with Britain before the evacuation of her troops, is a significant element in distinguishing this Party from all other Egyptian political parties and groups. In explanation of the adoption by the Party of

(1) See Supra Chapter I, pp.15-17

(2) Kohn: History of Nationalism in the East, p.191; See also: Newman: op. cit. p.164; Hocking: op. cit. pp.54-55; Centre d'Etude de politique Etrangère: op. cit. p.30.

that policy, it was said that it was an application of the rule that one demands the utmost in order to obtain as much as he can. (1) However, the goal of the Party was, in general, "Egypt for the Egyptians by the way of the political education of the entire people." (2)

Although the National Party was a powerful political element from the time of its formation until the beginning of the First World War, it ceased to acquire further influence after that war came to an end. Searching for the reasons which caused the Party's weakness, one finds, in the first place, that it had no deep popular roots; and therefore, there was not much trouble for the British authority to subdue it. Secondly, the extremity of the party's hostility to Britain and the sympathy which it showed towards Turkey and Germany, especially during the war, might have necessitated, after the armistice and the victory of the Allies, that the National Party clear the way for a new political organisation to lead a new phase in the Egyptian nationalist movement for achieving the national demands and aspirations. In addition, the need for solidarity among the people during the 1919 Revolt imposed on the National Party the obligation to support the new rising Wafd and Zaghlul. Another important point is the

(1) Alexander, J.: The truth about Egypt, pp.121-123; Kohn: Nationalism and imperialism in the Hither East, p.82; R.I.I.A.: op. cit. p.66; Centre d'Etude de Politique Etrangère: op. cit. p.30; A'r-Rāfi'i; Mustafa Kamil, pp.260-263, A'r-Rāfi'i: Muhammad Farīd, p.68; Shafiq: Mudhakkarātī Fi Nisf Qarn, Vol.III, p.236.

(2) Brockleman, C.: History of the Islamic peoples, p.457.

fact that the National Party was founded by the encouragement of Khedive Abbas Hilmy, who was deposed during the war, and his successor feared the influence of the National Party and suppressed it. All these factors resulted in the disruption of the Party and a steady weakening until it was reduced to nothing more than a minor party.⁽¹⁾

In accordance with its policy that negotiations with Britain should not take place until after the withdrawal of her troops, the National Party opposed the Declaration of February 1922 and considered it an attempt to divert the people from their demands for complete independence. Therefore, its opposition to the Committee of the Thirty was to be expected. Actually the National Party denied the competency of that Committee to draft the Constitution and demanded a constituent assembly. However, curiously enough, like the Wafd which held the same views, the National Party participated in the first general elections in 1924. From then, though it did not secure much popularity, it became a defender of that Constitution. The Party's participation in the 1931 general elections under Sidky's Constitution, was, however, interpreted by the Cabinet and the People's Party as an approval to the new regime, in spite of the fact that the National Party had denied the authority of the King and the Cabinet to

(1) Kohn: op. cit. p.85; R.I.I.A.: op. cit. p.66; A'r-Rāfi'ī: op. cit. pp.351 and 365; A'r-Rāfi'ī: Thawratu Sanati 1919, Vol.I, p.69; Kohn: History of Nationalism in the East, p.191. Yeghen: op. cit. pp.79-80.

replace the Constitution by another. ⁽¹⁾

As regards the Party's attitude towards Great Britain, the National Party seems to have insisted on its policy not to lead any negotiations with Britain before the withdrawal of her troops, since it never took part or encouraged such negotiations. It did not participate in the conclusion of the 1936 Treaty, but on the other hand condemned it as not realizing the independence of Egypt and the Sudan. This view was frequently expressed and that might elucidate the vigorous opposition of the National Party to the other parties after the Second World War because of their reluctance to settle Anglo-Egyptian relations by taking decisive actions such as the abrogation of the 1936 Treaty. ⁽²⁾

In consequence of the policy of the Party that Egypt should not negotiate with Britain before the evacuation of the latter's troops, the rule that the Party should not take part in any Cabinet appeared. In that matter it was declared that "the National Party has never aimed at seizing power as long as British garrisons are residing in Egypt. It believes that no government

(1) A'r-Rāfi'ī: Fi A'qqabi' th-Thawratī 'l-Misriyah, Vol.I, pp.52 et seq.; Vol.II, pp.53-58 and 138-142.

(2) Shafīq, A.: A'mālī Ba'da' l-Mudhakkirat, p.336; Ministère des Finances et des Affaires Economiques; op. cit. p.26; Centre d'Etude de Politique Etrangère: op. cit. p.30. See La Chambre des Députés: op.cit.VII - iv, S.71, p.590; VIII - i, S.5, pp.61-64; VIII - iii, S.8 pp.61-62; IX - ii, S.8, pp.49-50, S.20, p.188; Majlisu'n-Nuwāb: op. cit. IX - v, S.6, pp.72-78; X - i, S.3, pp.42-43; X - ii, S.4, pp.40-43, S.46 pp.16-18.

can render real service to the country without clashes and conflict with that power of Britain."⁽¹⁾ It is regrettable to point out that the Party ignored this rule, and from 1938 it took part in the different Cabinets whenever it could manage.⁽²⁾

The Independent Wafdist Block.
(Al-Kutlatu'l-Wafdiyyatu'l-Mustaqillah).

As its name indicates, this Party was a dissentient Wafdist group which broke away from the Wafd in 1942-43 with Makram Pasha Ebeid at its head. From the time of the formation of the Wafd, Makram was one of its leading members; after the death of Zaghlul, and for the following fifteen years, he served as Secretary-General of the Wafd and lieutenant to its leader, Nahas Pasha.

Differences between this group and the Wafd, first appeared in the character of Makram's objection, while Minister of Finance in the Wafdist Cabinet in 1942, to the Cabinet's policy of nepotism. This objection widened the gap between Makram and his colleagues, and led to his dropping from the Cabinet in May 1942, and later, in July, he was expelled along with other fifteen Deputies and four Senators from the Wafd. This expulsion was due to the fact that they raised and supported accusations in Parliament against prominent Wafdists, and particularly El-Wakil family (of which the wife of Nahas Pasha the leader of the Wafd

(1) Al-Liwā'l-Misri, March 15, 1926 quoted in A'r-Rāfi'i: op.cit Vol.I, p.62.

(2) Colombe: op.cit. pp.88 and cf. pp.340-352.

is a member) of enriching themselves through corrupt and black-market transactions. (1)

These are the circumstances which led to the appearance of the Independent Wafdist Block. Nevertheless it seems that there were some other indirect factors that strengthened the creation of this Party. First of all the hostility between the Palace and the Wafd, as has been previously shown, was heightened by its coming into power in 1942 under the influence of Britain, and the King was seeking and encouraging any attempt or move to weaken the Wafd. In other words, it seems that the rise of the Independent Wafdist Block was motivated by the Palace in the hope that it would result in the collapse of the Wafd. This theory is strengthened by the fact that immediately after its formation, the Independent Wafdist Block published the so-called "Black Book" in which allegations of corruption and repotism against the Wafd and its members were chronicled. This book was presented to the King as a petition to rescue the country from the rule of the Wafd. At the same time

(1) A³r-Rāfi⁴i: op.cit. Vol. III, pp. 118-120; R.I.I.A.: Great Britain and Egypt, 1914-1951, p. 75; La Chambre des Députés: op.cit. VIII-i, S. 17, pp. 209-214.

It is important to note that according to an 'experienced observer' "the corruption of the Wafd Government was more widespread but less deep than that of minority governments. The Wafd had more hungry clients to satisfy than minority governments and its clients had been longer in the wilderness. Minority personalities, moreover, had more skill and knew better how to cover up their tracks."

R.I.I.A. op.cit. p. 76, n.1; The Times, The Manchester Guardian, May 22, 1942; The New York Herald Tribune, July 14, 1942.

copies were sent to the British and American Embassies in Cairo, as well as being circulated among the people. On the grounds of the accusations in the Black Book against the Wafd, the King determined to dismiss the Wafdist Cabinet, but he was deterred by the British Ambassador.⁽¹⁾ Moreover, the attitude of Makram in 1937-38 towards the Saadists who differed with the Wafd on several issues, one of which was the corruption and nepotism of the Wafd, asserts that theory.⁽²⁾ However, last but not least, the personal element made itself felt in the background of the dissent of the Independent Wafdist Block. Makram Pasha, a Copt by birth converted to a Protestant, who could not hope to lead the Party (the Wafd) himself, had manoeuvred to maintain ascendancy over Nahas and the Party, and this seems to have resulted in the appearance of the Independent Wafdist Block.⁽³⁾

(1) R.I.I.A.: op.cit. 76; Colombe: op.cit. pp. 110-111.

(2) Graves, P.P.: "The story of the Egyptian crisis," pp. 299-301; see La Chambre des Députés: op.cit. VIII-i, S. 17, p. 209 where Nahas Pasha the leader of the Wafd reminded Makram with his attitude in 1937.

(3) In the Black Book Makram Pasha accused Nahas Pasha, the leader of the Wafd and Prime Minister, of transforming the Government into a sort of private business for him, for his parents and for his Ministers. Faced with these accusations the Wafdist Cabinet did not resort to courts for fear of interminable legal delays and insisted on their discussion in Parliament. An interpellation about the most grave ten accusations, chosen by Makram Pasha himself, was discussed in the Chamber of Deputies. The Government, however, secured the confidence of the Chamber, and in due course Makram was expelled from the Chamber because he had made wild and foul allegations against members of the Government and Parliament.

See: La Chambre des Députés: op.cit. VIII-ii, S. 25, p.171 S. 27, pp. 176-184; S.30, pp. 194-213; S.32, pp. 217-224;

The Party enunciated a programme which can be summarised as follows: the complete independence of Egypt and the Sudan; the evacuation of British troops, and only a treaty of alliance with Britain based on the reciprocal respect of the sovereignty of the two countries would regulate Anglo-Egyptian relations; the co-operation with the Arab States for achieving their national aspirations and developing economic, political and social relations; the enforcement of real democratic rules and resistance to any dictatorial elements without any violation to the monarchical constitutional system; the improvement of social conditions by combatting illiteracy exempting poor classes from taxes, creating progressive taxation, establishing a social insurance system against unemployment, illness and old age; the industrialisation of the country; and the utilisation of its natural resources.⁽¹⁾

The programme of the Independent Wafdist Block seems to have aimed especially at introducing social reforms and raising the standard of living. This trend of the Party was more apparant in the programme enunciated during the elections held in 1950.⁽²⁾ As regards the Party's efforts to achieve its policy, it had a narrow chance to act effectively. Nevertheless, in spite of the stipulation in its programme for the necessity of a treaty to regulate

= S. 33, pp. 226-228; S.34, pp. 232-236; S.40, pp. 322 et seq.; S. 41, pp. 335 et seq.; S. 46, pp. 470-474. The Times, April 26, May 19 & 25, 1943; The New York Herald Tribune, May 25, 1943, and May 28, 1944.

(1) Al-kutlatu 'l-Wafdiyyah wa barnamajuha.

(2) La Bourse Egyptienne, November 14, 1949.

Anglo-Egyptian relations, the Party had adopted an uncompromising policy and opposed every attempt to reach an agreement for the revision of the 1936 Treaty. This policy of the Party might be due to its desire to attract supporters after its resignation from the coalition Cabinet in 1946. The Party's insistence on the national aspirations and their preponderance to internal reform was stressed repeatedly. (1)

The Socialist Party of Egypt.
(Hizb Misr^{al}-Ishtirākī).

Although this Party was only officially organised, and its programme was announced in 1949, (2) it is remarkable that it was actually a continuation of the 'Young Egypt' (Misr^{al}-Fatāt) movement which had appeared in the early thirties. Therefore, it seems important to make a quick survey of that movement. In the first place, the ideology of the movement was fiercely nationalist as well as Islamic. Its social outlook was modelled on fascist lines which were very popular up to 1939 throughout the Middle East. (3) The fascist tendencies of that movement were clearly illustrated when its Green Shirts were formed. Here it might be of some interest to point out that these Green Shirts were established according to the King's wishes and through his encouragement in order to oppose the

(1) Colombe: op.cit. pp.230 et seq; R.I.I.A.: op.cit. pp.86 et seq. Sidqī: op.cit. pp.111-113 and 125-129; Aḥr-Rāfiʿī: op.cit. Vol.III, pp.199-204; La Chambre des Députés: op.cit. IX-iv, S.15, p.153.

(2) Al-Ahrām, December 24, 1949.

(3) Cf. The programme of Misr^{al}-Fatāt, cited in Heyworth-Dunne, op. cit. pp.103-105.

Wafd. Because of these fascist tendencies it was believed that with the defeat of European fascism this 'Young Egypt' movement, which had been moulded into a party, would be a spent force. Moreover, signs of its weakness appeared especially after the suspension of all its activities during the Second World War and the detention of its leaders by the police.⁽¹⁾ However, not long after the War came to an end, Misr al-Fatah revived, and before the general elections held in January 1950, it changed its name to the Socialist Party of Egypt.

The Party's programme can be summarised as follows: the inviolability of individual and public freedom, and the rights of individuals stipulated for by the Constitution (§ 1); the guarantee by the State of a decent life and a minimum standard of living for every Egyptian by helping families to bring up their children and insuring individuals against illness, unemployment and old age (§ 2); the establishment of free education, up to the secondary stage, for every Egyptian of both sexes, and the adoption of a policy to combat illiteracy within five years (§ 3); the provision of suitable work for every Egyptian, with wages to vary according to variations in the social status of workers who should have the right to form general federations to regulate their relations with both employers and the State (§ 4); the replacement of the individualist system of production with a collective one, and during the transition period individuals would possess industries, (§ 5); the ownership of the

(1) Graves: op.cit. pp. 299-300; R.I.I.A.: op.cit. p. 49;
 Issawi: op.cit. pp. 174-175; Colombe: op.cit. pp. 141-142.

land should be confined to those who work on it, nobody would possess more than five feddans, and the foundation of collective system of production (§ 6); the imposition of progressive taxes, death duties and taxes on luxuries; the elimination of all factors leading to segregation between Egyptians to get rid of social discrimination and secure social justice (§ 7); the liberation of the Nile Valley and the right of the Sudan to choose the form of its own government (§ 8); the amalgamation of the Arab States into a socialist federation or confederation (§ 9); the security of international peace through spreading friendship and equality among the people without regard to colour, race or religion; and, the resistance of any imperialist attempt for the exploitation of the nation.⁽¹⁾

It is quite apparent that the Party's object in the foreign sphere was very much the same as that of other political parties, namely, the liberation of the Nile Valley. The Party's policy to achieve that aim had followed a demagogic line which clearly appeared after the repudiation of the 1936 Treaty; it demanded and agitated for the declaration of war against Great Britain. Moreover, the Socialist Party of Egypt, unlike other political parties, had hoped for an Arab socialist confederation. Here it is worth noticing that in April 1951 a Congress of Arab socialists was held, but "the parties represented at the conference could hardly be called 'bona fide' Socialists by Western Standards,"⁽²⁾ It might

(1) Hizbu Misri³l-Ishtirākī: Barnāmaj³l-hizb wa lā³iḥatuhu, Art. III, pp. 2-14.

(2) Alexander, M.: "Left and right in Egypt," p. 127.

be due to this fact, as well as the weakness of socialist movements in the Arab countries, that the idea of an Arab Socialist Confederation did not materialise in an effective way.

The Party seems to have been aiming at a socialist revolution since it demanded a collective system of production. The Party, however, might have been just floating with international political currents, because it is rather strange that at the same time when the government banned all communist organisations and activities, such a party as the Socialist Party came into the open. Furthermore, it was the same leaders of the Socialist Party who, in the thirties, had founded Misr 'l-Fatah and its Green Shirts in imitation of the fascist movements which prevailed in Europe at the time. Therefore, it is not strange that they appear later, at the beginning of the fifties, in this new camouflaged shape, to correspond with the socialist trend.⁽¹⁾

The Party participated in the general elections held in January 1950, and one of its three candidates succeeded in representing the Party in the Chamber of Deputies.⁽²⁾ He never missed a chance to express the Party's views. The Party's two weekly organs published its opinion on Egyptian nationalism and national socialism, as such drastic socialist propaganda that these two organs had been

(1) Ibid. p.127.

(2) This Deputy was Ibrahim Shukry, who in spite of being a university graduate and an agricultural engineer, was elected for a constituency in the country side (Sherbin) where he possessed a large estate and his family exerted some influence.

confiscated, suppressed or suspended at various times by the Government.⁽¹⁾ The membership of the Party, however, ran to thousands, mainly of youths, students, secondary school pupils and working classes. The attraction was due to the discontent spreading among the people because of economic crises caused by the continuous rise of the cost of living, the spread of corruption in the governmental machine and the circulation of gossip and rumours about it, and the loss of faith in the old political parties.⁽²⁾

The Labour Movement and the Egyptian Labour Party.

Legally, trade unions did not exist in Egypt before 1942 when a law was enacted permitting workers to form trade unions in order to organise themselves for the protection of their interests and for collective bargaining with their employers.

In spite of the illegality of their existence, trade unions were found prior to the promulgation of that law. In 1920, through the encouragement of a goldsmith in Alexandria, Joseph Rosenthal, a body of right wing moderates formed the Egyptian Socialist Party. But not long after, an extreme left wing in that Party arose, and diverted it, under the leadership of Mahmud Hushy El- Uraby, into a

(1) It was said that the Wafdist Government attempt to repress the Press in 1951 (see supra p.104) was because of the attacks of these two socialist weeklies on the King, the corruption of the government and the prevailing poor social conditions. Majlisuⁿ-Nuwwāb: op.cit. X-ii, S.38, pp. 27-34; La Bourse Egyptienne, July 27, 1951.

(2) Al-Barāwī, R.: Harakatu^l-inqilābi^l-akhīri fī Misr, p. 78.

communist party which adhered to the Third International. Like other political organisations at that time, the Communist Party demanded the evacuation of the British from Egypt and the Sudan; but in distinction, it opposed reactionary legislation and aimed at modern labour protection and social legislation, the complete emancipation of women, and free education. However, this Communist Party did not live long and it was suppressed in 1924.⁽¹⁾

In the early 1930's a federation of trade unions flourished, but only to be banned in consequence of some strikes which were interpreted as being of political motivation against the government and Sidky's Constitution.⁽²⁾ From then until the promulgation of the legislation of trade unions in 1942, the labour movement was restricted, and, to a certain extent went underground.

Because of the strong opposition of the 'Federation of Industries' to the law organising trade unions, this law was characterised by a number of restrictions.⁽³⁾ The formation of unions should have been approved by the government; their financial

(1) Kohn: History of Nationalism in the East, p. 214: Alexander: op.cit. p. 120; Badaoui, Z.: Les problèmes du travail et les organisations ouvrières in Egypte, pp. 24-30.

It is worth noticing that this communist party put forward demands for the abolition of large feudal estates, through the remittance of debts of peasants owing less than thirty feddans, the exemption from taxes of those with less than ten feddans, and limiting land ownership to a maximum of one hundred feddans. Kohn: op.cit. p. 214.

(2) Handly, W.J.: "Labour movement in Egypt", pp. 280-282; Badaoui: op.cit. pp. 33-35.

(3) Issawi: op.cit. p. 97. The Egyptian Federation of Industries was established in 1922 to represent, defend, and safeguard the interests of industrial capitalists and employers.

reports and the minutes of their meetings should have been available for the inspection of government officials; they should not busy themselves with political or religious questions; and, their meetings should have been authorised by the competent authorities which could withhold permission if the meetings were contrary to public security and policy. Although most of the working class people are engaged in agriculture, agricultural workers were prohibited from forming or joining trade unions. Moreover, the government had the absolute right to dissolve unions in case of their violation of the provisions of the law.(1)

The Egyptian Labour Party, as its name suggests, claimed to represent the political aspirations of the working classes. Although active in the thirties and after the Second World War, the Party had not shown itself an important force in politics, and it seems to have lost many of its adherents after the appearance of the Socialist Party of Egypt.(2)

The Party's programme was mainly concerned with raising the social and economic standards of the masses. This programme could be summarized as: (a) combatting poverty through raising the standard of living, recognising workers' trade unions and associations without any distinction, and making it compulsory that workers join

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- (1) Handly: op.cit. p. 282; Badaoui: op.cit. pp. 102-104; La Chambre des Députés: op.cit. VIII-i, S. 26, pp. 326 et seq.
- (2) The Party was founded in 1931 by Prince Abbas Halim, a second cousin of King Farouk, but it was banned and vanished especially during the Second World War, when its leader was arrested because of his fascist tendencies; it sprang up again after his release in 1944.

these unions; (b) struggling against disease, and especially the endemics, through establishing a system of compulsory health insurance; (c) eliminating illiteracy; and, (d) amending the electoral law so as to effect a more representative government, and establishing a Ministry of Labour.⁽¹⁾

In the general elections held in 1945 and 1950, the few candidates running under the auspices of the Egyptian Labour Party were unsuccessful. This seems to be mainly due to the fact that the leadership of the Party was drawn, to a large extent, from the upper classes which normally have conflicting interests with those of the working people. To show this aspect of the Party, it is interesting to notice that in connection with a tram strike in Cairo in 1946, the leader of the Party emphasised that: "Our movement is free from all political characteristics, free from sectarianism, from social conflicts, from sugary promises Let all come and join us for the great benefit of the Fatherland, under the banner of the First Worker for national prosperity H.M. King Farouk."⁽²⁾ This statement shows the tendency of the Party to the so-called 'Royal Socialism' which was an allegation that the King was the defender of the workers and working classes.

In addition to the above mentioned political parties, an important feature was very apparent in the Egyptian platform, namely, the existence of a considerable number of independents who usually

(1) Badaoui: op.cit. p. 152.

(2) Al-Ahrām, October 19, 1949.

swung with the current of affairs. Although it is rather difficult to find a definition for the 'independent' politician, he is usually characterised by his aloofness from political parties in order to avoid the consequences of his adherence to one party or to the other upon his economic interests.⁽¹⁾ As rightly described by J. Heyworth-Dunne, independent politicians in Egypt "were representatives of the old-fashioned idea of government, were sympathetic to a strong autocratic king, from whom they derived their power and prestige, as compared with the politicians, who were striving for constitutional government on Western lines."⁽²⁾

Independents were one of the main reasons for the instability of parliamentary life, and are to be blamed for the stagnant poor social and economic conditions of the country, because they had the chance to come into power, repeatedly, but with no serious policy for developing these conditions. This might also be a result of the non-co-ordinate views they usually held.⁽³⁾ Moreover, independents were a peril to the parliamentary system in Egypt, since they weakened the party system without which "the government in power is controlled only by the pressure of customs, which itself is weakest in times of crisis; by the desire for popularity, which is easily overborne by the ambitions of despotism."⁽⁴⁾

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- (1) Cf. Ahmed Mahir Pasha and his views about independents, La Chambre des Députés: op.cit. IX-i, S.6, p.4.
 (2) Heyworth-Dunne: op.cit. p.6.
 (3) Mandūr, M.: Aḍ-Ḍimogrāṭiyatu's-siyāsiyah, pp. 24-25; Sabry, E.S.: "Les partis politiques sont les fondements du régime parlementaire."
 (4) McIver: op.cit. p. 399.

Political parties in Egypt were distinguished by their attitudes towards Great Britain, although, they were all insistent on the national demands for the evacuation of British troops and the Unity of the Nile Valley. Their multiplicity with only slight differences in their programmes is quite apparent. This fact led to the belief that parties were mainly based on personal foundations and that most of the party members were personal followers of the leaders. This viewpoint was sarcastically expressed in the Chamber of Deputies where it was pointed out that the only possibility to quell the feuds between parties was through increasing the number of ministerial posts to include all the leaders of political parties.⁽¹⁾ On the other hand, some theorists called for the amalgamation of different political parties bearing the same character and adopting the same general principles and policies into one party.⁽²⁾ Moreover, some thinkers believed that since Egypt was at the start of parliamentary life, and because of its social conditions, there should be only two political parties. In other words, they claimed the establishment of a two party system, on condition that both parties should agree on the principles of great national issues and only differ on minor ones.⁽³⁾

However, it should be noticed first of all, that plurality of parties is an essential requirement for the existence of democracy since a single party system "cannot provide the basis of a system

(1) La Chambre des Députés, op. cit. VII-iv, S.71, p. 590.

(2) Sabrī, E.: op.cit. pp. 739-741.

(3) Allūbah, M.A.: Mabādi' fi's-siyāsati'l-Misriyah, p. 113.

of government by discussion."⁽¹⁾ The preference between the two party system and the multiple party system is rather difficult, and one should be aware of the fact that "complex social and historical circumstances predispose a given country toward one or the other system."⁽²⁾

This monarchy was founded on the basis of the old institution of the Khedivate whose principles had been derived from the Caliphate. It is of some importance to notice that Egypt's nationalist movement and struggle for independence and full sovereignty which started after the first world war did not lead to more than the establishment of a constitutional monarchy.

The Constitution devoted the first chapter of its second title to enumerate the King's rights and prerogatives. In it the King enjoyed many prerogatives to enable him to safeguard the prosperity of the nation, perhaps because of the idea that when the glory of the Crown radiates over all, the country is happy and prosperous, but when the country becomes weak and impoverished, the Crown loses its brilliance.⁽²⁾ Another reason for the wide scope of the King's authority may lie in the fact that the attitude of the Committee of the Thirty, which was impressed by the differences among political leaders, especially Zaghlul Pasha and Ali Pasha, was to give the King enough

(1) Barker: op.cit. p. 39; Dunverger, M.: Les parties politiques, pp. 306-312.

(2) Field, G.L.: Governments in modern society, p. 313.

(1) Barker: op.cit. p. 39

(2) Salama: op.cit. pp. 277 & 278

C H A P T E R I I I

The Monarch

According to Article 32 of the 1923 Constitution, Egypt was a hereditary monarchy. This monarchy was founded on the bases of the old institution of the Khedivate whose principles had been derived from the Califate.⁽¹⁾ It is of some importance to notice that Egypt's nationalist movement and struggle for independence and full sovereignty which started after the first World War did not lead to more than the establishment of a constitutional monarchy.

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(1) Laoust: op.cit. p.75

(2) Saleh: op.cit. pp.297 & 311

which would need the sanction of the King to become effective, the Committee of the Thirty was very reluctant to deprive the King of some of his powers because they wished to avoid any possibility that the King might oppose the promulgation of the Constitution.⁽¹⁾

Before assuming his constitutional powers, the King took a special oath before Parliament to observe the Constitution and the laws, and to maintain the country's independence and the safety of its territories.⁽²⁾ This means that the King derived his rights from the Constitution,⁽³⁾ and that, like all other constitutional institutions, he was a representative of the people. It is also a confirmation of the principle that all powers and authority emanated from the nation.⁽⁴⁾ This conception is proved by the rôle of the representatives of the people, i.e. Parliament, in choosing a King, in the case of the vacancy of the Throne, or the absence of a legal heir to it.⁽⁵⁾ Also, the Cabinet's right to act in the King's place during the period from his death to the time when his successor or the regents assume power, is further proof.⁽⁶⁾ This provision of the Constitution was in practice in 1936 when King Fuad died and the Council of Ministers, presided over by Aly Maher Pasha, assumed the monarch's constitutional powers till the regents took the oath before Parliament in May 1936.⁽⁷⁾ Again this rule was in force after the

(1) Haykal: op.cit. Vol.I, pp.136-138

(2) 1923 Constitution, Art.50, see Appendix I

(3) Sabry, E.S.: Le pouvoir législatif et le pouvoir exécutif en Egypte, pp.41-42

(4) 1923 Constitution, Art.23

(5) Ibid. Arts. 53 & 54

(6) Ibid. Art.55

(7) It is worth noting that Parliament did not approve the appointment of the regents according to King Fuad's will; it unanimously elected those who undertook that office till July 1937 when King Farouk became of age and assumed his constitutional powers. A'r-Rafi'i: op.cit. Vol.III, pp.11-12

abdication in July 1952, of King Farouk, in favour of his son.⁽¹⁾

The King's civil list and the allocations of the Royal family were constitutional rights.⁽²⁾ Although the sums were fixed in the Constitution, Parliament had the right to increase or reduce them. In order to avoid any influence on the sovereign, it was provided that such alteration should take place only on the accession to the Throne of a new monarch. It was on the accession of King Farouk to the Throne in 1936 that the civil list, as well as the allocations to the Royal family were fixed at a sum reduced from what it had been during King Fuad I reign and as stated in the Constitution.⁽³⁾ The question which may arise is, whether the King had any right to the civil list or not. Without doubt the King renders a public service to the State, for which he must be paid. Moreover, he is the representative of the country's dignity, which must be kept high; and this may be another justification of the King's right to the civil list.⁽⁴⁾

(1) Since that abdication occurred under the pressure of the Revolution carried out by the Army, and Parliament was dissolved at the time, conflicting viewpoints were expressed. On the one hand, the Wafd claimed that the dissolved Chamber of Deputies should be convoked to give its consent to the appointment of the regents. On the other side, the Cabinet, which was presided over by the same Premier who faced a similar situation in 1936, and the Army which have acquired political strength insisted that it would be the Council of Ministers which should perform the function of Parliament. However, the State Council was consulted. It expressed the view that the abdication was an exceptional case for which the Constitution did not provide any rules; and therefore, the procedure following it might be as expressed by the Army and the Cabinet. La Bourse Egyptienne, August 1, 1952

(2) 1923 Constitution, Art.161

(3) The Law No.56 of 1936; Ra'fat & Ibrāhīm: Al-Qānūnu'd-dustūrī, pp.570-571

(4) Al-Ahwānī, A.M.: Ra'isu'd-dawlah Fi'n-nizami'd-dimogrātī, p.249 cf. Ogg, F.A.: English government and politics, pp.102-103, where he argues that point with regard to Britain.

The King was the supreme head of the State. His person was inviolable and he was exempted from all laws.⁽¹⁾ Consequently, the King could do no wrong; that is why his orders, whether oral or written, did not exempt ministers from responsibility.⁽²⁾ This illustrates an essential principle of parliamentary system, namely, the head of the State exercises his powers through the intermediary of his ministers, and that "the acts of the King in relation to State affairs must, to be effective, be counter-signed by the President of the Council of Ministers and the Ministers concerned."⁽³⁾ In Western parliamentary governments, exemptions from this rule are only those acts which are strictly personal and relate to the private life of the sovereign; but in Egypt, on the contrary, there were many important exceptions to that fundamental doctrine, and in certain important functions the King acted without the participation of any of his ministers.⁽⁴⁾ The actions which the King practised through the intermediary of his ministers were issued by "Royal Decrees" signed by the King and the competent ministers with the introduction: "According to the advice of the Minister of (or the Council of Ministers) and the approval of the Council of Ministers." Rights which he exercised without their participation were issued as "Royal Rescripts" signed only by the King and usually introduced with the formula: "We King of Egypt We order the following"

The monarch was the head of the executive power and took part in the legislature.⁽⁵⁾ The powers granted to him were "considerably

(1) 1923 Constitution, Art.33

(2) Ibid, Art.62; Raṣfat & Ibrāhīm: op.cit. pp.543-545

(3) 1923 Constitution, Art.60; see also Art.48

(4) Saleh: op.cit. p.342

(5) 1923 Constitution, Arts. 29 & 24

greater than those accorded to the Chief of most constitutional States. This is particularly evident in the latitude permitted him in participating in the legislative functions, (and) means by which he may exert control over the legislative and executive branches of the Government."⁽¹⁾ The legislative power was exercised by the King concurrently with the two chambers of Parliament. This means that this power was a compound one.⁽²⁾ The rôle of the King in legislation was limited to his right to initiate, sanction and promulgate laws.⁽³⁾

The initiative power was exercised concurrently by the King and the two chambers of Parliament. It is believed that it was in a democratic spirit that the Constitution gave members of Parliament the right to initiate legislation; however, it is very difficult to imagine an institution having the right and a main function to make laws, but not able to propose them. As it was understood that the Government's right to initiate legislation was derived from that of the King, all Bills the government had to bring before Parliament, should have borne the King's signature, along with that of one or more ministers.⁽⁴⁾

It was taken for granted that if the King did not approve any Bill proposed by the Government, he would not sign it, and consequently it could not be submitted to Parliament. For example, when the Cabinet proposed two Bills designed to prevent infringements of the Constitution, they were not presented to Parliament because of the

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- (1) O'Rourke: The juristic status of Egypt and the Sudan, p.71.
 - (2) Sabry: op.cit. p.41; Sabri: op.cit. p.307.
 - (3) 1923 Constitution, Arts. 28 and 34.
 - (4) Sabry: op.cit. pp.45-48.

refusal of the King to sign them, and the Cabinet, continuing to insist on these measures, had to resign.⁽¹⁾ It is interesting to notice that, while an individual member of Parliament could propose laws, the Council of Ministers, which was formed of Deputies and Senators, and was responsible for the interests and the safety of the State, could not initiate any legislation without the consent of the King.

So significant were differences between the monarch and the Cabinet on the initiation of legislation, that Nahas Pasha, the leader of the Wafd, explained such a position when he was dismissed from the Cabinet in 1937. He said: "The difference between the Palace and the Cabinet is not a question of persons, but of constitutional principles. The question was, whether there was to be a constitutional or purely despotic government. As a principle of constitutional law, the Ministry is responsible to Parliament, and we claimed that Bills presented for the King's signature before presentation to Parliament for discussion should not be delayed, particularly since a private member can present legislation on his own initiative."⁽²⁾ According to the 1923 Constitution, the initiative of financial legislation and taxation, and measures concerning the fiscal policy, was the right of the King and the real representatives of tax-payers, i.e. the Chamber of Deputies.⁽³⁾

(1) Ghosh: op.cit. p.97; Newman: "Egypt", p.570; see supra Chapter II pp.103-104, Chapter I, p.60.

(2) Keesing's Contemporary Archives (1937-1940), p.2880

(3) The 1930 Constitution made the initiative for the creation or modification of financial legislation an absolute right of the sovereign, and it clearly stipulated for that in Article 28.

The King's right to sanction laws is of greater significance than his right to initiate them because it was the way in which he could participate and have an effective part in the legislature.⁽¹⁾ Without his sanction no legislation could be moulded in the constitutional form and have any real effect. If the King judged it not expedient to sanction a Bill accepted by both chambers of Parliament, that Bill should have been returned to Parliament within a month; otherwise it would be considered as having obtained the King's sanction. Parliament could re-examine that Bill, but the majority required for its re-approval was two-thirds of each chamber. In case of failure to get this majority, the Bill would not be discussed again during the same session; but if in a later session Parliament passed that Bill by an absolute majority of votes, it would become law.⁽²⁾

Therefore, it is said that the King's right to veto laws was non-existent, that even his right to sanction laws was not absolute, and that Parliament was the institution which had the decisive word in matters of legislation.⁽³⁾ In practice, it seems unlikely that a re-examined Bill would have got the approval of two-thirds of members in each chamber of Parliament, especially in the Senate where two-fifths of its members were nominated by the King, and being influenced

(1) Sabry; op.cit. p.56; 1923 Constitution, Art.34

(2) Ibid. Arts. 34 & 35. The 1930 Constitution extended to two months the period during which the King should give his sanction to Bills ratified by Parliament or return them to this latter institution. Furthermore, it considered that the default to return rejected Bills to Parliament within these two months amounted to non-sanction. 1930 Constitution, Art.35; Raafat, W.: op.cit. pp.22-23; O'Rourke: op.cit. p.71

(3) Raafat: op.cit. p.20; Saleh: op.cit. p.337

by him, they might have been an obstacle in forming the required majority. This situation gives some sense to the idea that the King's right to sanction laws contradicted the democratic system. That right might have been a handicap imposed on the will of the people as expressed in a Bill passed by Parliament; and moreover, it might have negated the sovereignty of the people which was confirmed by the Constitution in Article 23.⁽¹⁾

In the Committee of the Thirty, there were two trends regarding the King's right to sanction laws. The first tended to the idea that, as real democracy is based on the sovereignty of the people and on the constitutional conception of the separation of powers, the approval of Parliament to any Bill should bear the idea of sanction. Furthermore, the members of the Committee who adopted this idea feared that by giving such a right to the King who was at the same time the head of the executive power, a path might be laid for foreign intervention, especially by the Power whose troops had been residing in the country. They thought that the King's right to dissolve Parliament was sufficient to keep a balance among the powers active on the political stage, namely, the Cabinet and Parliament. The second line of thought was, that, as Article 24 of the Constitution stipulated for the partnership of the King in the legislative power, his right to sanction laws would be the only means through which he could be an effective partner. After long deliberations the Committee decided in favour of the second viewpoint and approved the constitutional right of the King to sanction laws.⁽²⁾

(1) Kamel, M.: Le regime democratique et parlementaire, pp.73-74; Sabri: op.cit. pp.332-333 -

(2) Ibid, p.337; Al-Ahwani: op.cit. pp.253-264

Again, it is the King who promulgated laws.⁽¹⁾ This right was conferred on the King as the head of the executive power and because no law would become enforceable until after its promulgation. The promulgation of a law was only the announcement of the text ratified by the legislative power, without any modification introduced by the executive. It is worth recalling that Parliament by itself could promulgate laws in such cases as when it re-examined and ratified Bills which it had previously approved, but which did not get the sanction of the King. The Constitution did not state a precise period during which a law should be promulgated. This defect in the Constitution was easily used by the executive power to delay the promulgation of laws ratified by both Chambers of Parliament. However, the promulgation of laws usually accompanied the sanction of the King, which was precisely restricted to certain conditions, mentioned above.⁽²⁾

It is very important to realise that at the very time when the King's participation in legislation was very limited, and when the introduction of any modification of the Constitution needed the ratification of both Chambers of Parliament and the sanction of the King,⁽³⁾ the King alone and independently could suspend the Constitution and replace it with another. This may be because, although it is believed that the Constitution was a consequence of the nationalist movement of 1919-1922, there was no basis to that Constitution except the Royal Rescript by which it had been issued.⁽⁴⁾ Here, it might be recalled that the suspension of parliamentary life

(1) 1923 Constitution, Art.34

(2) Sabry: op.cit. pp.85-91

(3) 1923 Constitution, Arts. 156 & 157

(4) Saleh: op.cit. p.326; O'Rourke: op.cit. pp.67-69

and of some articles of the Constitution in 1925 and 1928; the replacement of the Constitution with a reactionary one in 1930, and its return in 1935 were all according to Royal Rescripts issued by the King.⁽¹⁾

In spite of the very minor share the King had as a partner in the legislative power, he could influence Parliament, the effective organ of the legislature, through practising certain of his prerogatives.⁽²⁾ The first of these prerogatives was his right to convoke Parliament in ordinary and extra-ordinary sessions. The King had to invite Parliament to meet every year in ordinary sessions before the third Saturday in November; in default of its being convoked by that date, it was to meet with full authority on that particular day.⁽³⁾ There is no precedent that Parliament was convoked according to that latter way as it had usually been convoked by the King. Extra-ordinary sessions of Parliament were convoked by the King in cases of necessity or on request by the majority of either chamber of Parliament.⁽⁴⁾ The closure of both ordinary and extra-ordinary sessions of Parliament was pronounced by the King,⁽⁵⁾ who could use this right to influence Parliament. To prevent Parliament from

(1) Cf. The abrogation of that Constitution in 1952, while monarchy was still existing in Egypt. It was by a proclamation from the leader of the Revolution carried out by the army, and in so doing, General Neguib declared that abrogation in the name of the Egyptian people. See the text of that proclamation, La Bourse Egyptienne, December 10, 1952

(2) O'Rourke: op.cit. p.73 (3) 1923 Constitution, Art.96

(4) Ibid. Art.40. Cf. The 1930 Constitution which required the request of a majority of members of both Chambers of Parliament

(5) 1923 Constitution, Arts 96 & 40

passing a particular Bill, the King could pronounce the closure of the session, giving no chance to members of Parliament to discuss and vote on that Bill. This right of the King, however, was not absolute. Ordinary sessions could not be terminated unless they have lasted for a minimum duration of six months and the Budget was approved. ⁽¹⁾

The King could adjourn the sittings of Parliament for a maximum period of one month, but only once during the same session. In case of two adjournments being needed during one single session, the consent of Parliament itself to the second adjournment was required. ⁽²⁾ This prerogative of the King was another way through which he could influence Parliament. It was hoped that by using this right the dissolution of Parliament would have been avoided, as the adjournment was meant to be a chance given to members of Parliament to return to the electorate and discuss the reasons for the adjournment with them and form their opinions and decide according to the electorate's will. ⁽³⁾

In practice, the adjournment of Parliament had been used as a preparatory step for its dissolution. Instead of being a measure taken to reconcile the Cabinet and members of Parliament, after this latter group has consulted the national will, the right to adjourn the sittings of Parliament was an instrument in the hands of the monarch, which he used to prepare public opinion for his

(1) Al-Ahwānī: op.cit. p.268. Cf. The 1930 Constitution which reduced the minimum duration of a parliamentary ordinary session to five months and did not necessitate the approval of the Budget before the closure of the session.

(2) 1923 Constitution, Art.39

(3) Raḡfat & Ibrāhīm: op.cit. p.556

intended drastic measures, namely the dissolution of the Chamber of Deputies.

The first adjournment of Parliament's sittings was in 1924 after the resignation of Zaghlul's Cabinet in protest against the British ultimatum addressed to the Egyptian Government in consequence of the assassination of Sir Lee Stack. That adjournment was an opportunity for the deputies to consider their attitude towards the new Cabinet, presided over by Ziwar Pasha, and to consult the electorate about the existing crisis. But, because of the insistence of the Deputies on supporting Zaghlul and backing the Wafd, there was no escape from dissolving the Chamber of Deputies.⁽¹⁾

Sometimes, the King may be compelled by foreign intervention to adjourn or even dissolve Parliament, as was the situation in 1928 when he founded a kind of dictatorship after the suspension of Parliament.⁽²⁾ The adjournment of Parliament's sittings which took place in 1938, after the dismissal of Nahas Pasha's Cabinet in December 1937, was after the new Prime Minister, Mohamed Mahmoud Pasha, realised that he could not face Parliament and asked the King to adjourn its sittings. This latter adjournment of Parliament's sittings created some differences of opinion about the constitutionality of adjourning Parliament before putting the issue of confidence in the new Cabinet to the test of a vote in the Chamber. To prove the theory that a newly formed Cabinet

(1) Lloyd: op.cit. Vol.II, pp.94-104

(2) Howell; op.cit. p.331; Kohn: op.cit. pp.103-107

should face Parliament and get its confidence before the latter's sittings were adjourned, it was argued that the Cabinet was formed and acquired its legitimate functions according to the Royal Rescript appointing the Prime Minister and the confidence of Parliament in them. Once either of these two provisions was lacking, the Cabinet could not exercise their functions.⁽¹⁾ Others thought that this new line of thought was aimed at narrowing the King's prerogatives and alleged that there were no restrictions on the King's right to adjourn sittings of Parliament, except the stipulations of Article 39 of the Constitution. In the meantime, when they believed that the adjournment of parliamentary sittings hindered its working and prevented the people's representatives from carrying out their functions, some critics thought that it might have been necessary in particular cases, especially when it was a prelude to the dissolution of the Chamber of Deputies. Therefore, they did not object to the adjournment of Parliament's sittings at the very start of a new Cabinet's life.⁽²⁾ It was in accordance with this latter viewpoint that parliamentary sittings were adjourned in February in 1952 when Ahmed Neguib El Hilaly Pasha was appointed Prime Minister.

In fact, the adjournment of sittings of Parliament in 1924, 1928, 1930, 1938 and 1952 was followed by a complete change in political conditions. In other words, such an adjournment was followed by the dissolution of the Chamber of Deputies in 1924,

(1) Al-Misri, January 4, 1938, quoted in Al-Ahwānī: op.cit. pp.269-270

(2) Al-Ahwānī: op.cit. p.270

1938 and 1952,⁽¹⁾ the suspension of parliamentary life and certain articles of the Constitution in 1928 and the replacement of the 1923 Constitution with a totally new and more reactionary one in 1930.

Another prerogative of the King which he could practice to influence Parliament, was his right to dissolve the Chamber of Deputies. The dissolution of Parliament was of two kinds; the first was the ministerial dissolution, which followed a suggestion from the Cabinet; the second was a personal action, taken by the King himself.

The Committee of the Thirty, when discussing the article of the Constitution which gave the King the right to dissolve the Chamber of Deputies, did not expect dissolution to take place except in either of the two following cases: First, when the Chamber of Deputies would not back the Cabinet and would not give its members its confidence, then the Cabinet may request the King to dissolve that Chamber; and secondly, if the Cabinet, instead of requesting the dissolution of the Chamber tendered its resignation to the King, who would not accept it and would estimate that the Chamber no longer represented the electorate nor corresponded with public opinion; therefore he would suggest its dissolution. The Committee believed that the King's right to dissolve the Chamber of Deputies

(1) It is worth noticing that the adjournment of the Chamber of Deputies in 1924 developed into the first constitutional crisis which has been discussed in the first Chapter. The adjournment of the Chamber in 1952 resulted in the instability of internal political conditions. That instability was due to the tendency of the King and his entourage who seemed to have been aiming at the establishment of a kind of autocratic government. However, this state of affairs induced the Revolution of the Army in July 1952.

was a natural right in a parliamentary system where the legislative organ was mostly elected by the people and possessed extensive powers. It thought that the participation of the Head of the State in cases of necessity would be an element of understanding and conciliation between the legislative and executive powers.⁽¹⁾

Moreover, it was generally believed that this right was an instrument in the King's hands to avoid any dictatorship or absolutism of Parliament. This belief means that this right was a defensive one and should not have been practised except in grave cases of differences between the Cabinet and Parliament.⁽²⁾

Although this prerogative of the King was an absolute one according to Article 38 of the Constitution which laid down that⁽³⁾ "the King shall have the right to dissolve the Chamber of Deputies," there were some restrictions on the practice of that prerogative, stipulated for by some other articles of the Constitution. These restrictions were considered by some writers to have been sufficient guarantees against the abuse of that right.⁽⁴⁾ Once a Chamber of Deputies was dissolved for any special reason, it was unconstitutional for the succeeding Chamber to be dissolved for the same reason.⁽⁵⁾ Moreover, the Royal Rescript dissolving the Chamber should have provided for holding new general elections within two months and the re-assembly of the new Chamber within ten days following the elections.⁽⁶⁾

(1) Sabry: *op.cit.* p.241; Saleh: *op.cit.* pp.230-231;

Al-Ahwani: *op.cit.* p.271

(2) Ibid. pp.270-271

(3) 1923 Constitution, Art. 38

(4) Sabry: *op.cit.* p.247

(5) 1923 Constitution, Art.88

(6) Ibid. Art.89

The dissolution of the Chamber of Deputies was usually a consequence of a crisis between the sovereign and the Cabinet, which ended with the resignation or dismissal of the latter. If the new elections resulted in a majority of seats in the new Chamber held by some political parties other than who had had it in the dissolved Chamber, it would be considered a victory for the head of the State. On the other hand, it would be very critical for him if the same organisations returned to the new Chamber holding the majority of seats, because that result would mean that the people supported the Cabinet recently resigned or dismissed and that its members or at least some of them, who followed their policy, would return to office. (1)

The King used his right to dissolve the Chamber of Deputies more than once, and no doubt this prerogative of the King and its repeated practice had enabled the Crown to keep the Chamber of Deputies under its authority. No Chamber lasted for its constitutional term except the one whose duration expired in 1949. The following table illustrates the very short life of the different Chambers since 1924.

(1) Kamel: op.cit. pp.216-217; Cf. Such a viewpoint expressed by Marriott, J.A.R. in his foreword to Forsey, E.A.:
The royal power of dissolution of parliament in the British Commonwealth.

Length of Term of Egyptian Parliaments

Date of Elections	Date of First Sitting	Date of Dissolution	Duration		
			Year	Month	Day
January 12, 1924	March 15, 1924	December 24, 1924 [*]	-	9	10
March 12, 1925	March 23, 1925	March 23, 1925	-	-	1
May 22, 1926	June 10, 1926	July 19, 1928 [*]	2	1	10
Dec. 21, 1929	Jan. 11, 1930	October 22, 1930 [*]	-	9	12
June 1, 1931	June 20, 1931	November 30, 1934	3	5	11
May 2, 1936	May 8, 1936	February 2, 1938 [*]	1	8	24
April 6 & 8, 1938	April 12, 1938	February 7, 1942	3	9	25
March 24, 1942	March 30, 1942	November 15, 1944	2	7	15
January 9, 1945	Jan. 18, 1945	November 7, 1949	4	8	21
January 3, 1950	Jan. 16, 1950	March 24, 1952 [*]	2	2	7

The first dissolution of the Chamber of Deputies took place in 1924, after the sittings of Parliament had been adjourned for a month. During the adjournment, the majority of the Wafdist members of Parliament tendered two petitions to the King to convoke Parliament, to discuss what they believed to be the unconstitutional actions of the Ziwar's Cabinet. As these petitions were clear evidence that there was a feeling in the Chamber against the Cabinet, and were sufficient indication that the Cabinet would not secure the support and confidence of the Deputies, there was no escape from appealing to the people to judge between their representatives and the Cabinet. New elections were held, and the whole pressure of the administrative machine was brought to bear in order to assemble a Parliament complaisant to the policy of Ziwar's Cabinet. The first sitting of the new Parliament was decisive, as the elections for the Presidency of the Chamber of Deputies showed that the Wafd, which was opposing

* Before the dissolution, sittings of Parliament were adjourned for a month.

the Cabinet's policy, had an overwhelming majority. This was the reason for the dissolution of the Chamber on March 23, 1925, the very same day as its first meeting.⁽¹⁾ This is the only precedent when two successive Chambers of Deputies were dissolved for the same reason: the opposition of the Deputies to the policy of the Cabinet and their being pro-Waftist. The extraordinarily dangerous conditions through which the country was passing at that time may be an excuse for this unconstitutional dissolution of the Chamber of Deputies. Further, the lack of parliamentary experiments, and the absence of constitutional traditions may have contributed factors leading to that unconstitutional dissolution.

The dissolution of the Chamber of Deputies in 1938 may have been the first constitutional dissolution, as it followed the dismissal of the Cabinet, and occurred at a time when it was necessary⁽²⁾ for the people to express their opinion about the political situation. In the meantime, where differences arose between the Palace and the Cabinet, which believed itself to be responsible for the King's actions and argued that he should practise his prerogatives, especially the nomination of civil servants, court officials and Senators, and the conference of ranks and decorations through their intermediary, there were indications that this Cabinet and Chamber of Deputies had lost the support and confidence of the people.⁽³⁾ All these factors led to the dismissal of the Wafdist Cabinet and the appointment of a new one, presided over by the leader of the Opposition. Parliament

(1) Kohn: Imperialism and nationalism in the Hither East, pp.89-91; Elgood: Egypt, p.119; Newman: The Mediterranean and its problems, p.291; Sabri: op.cit. pp.626-630

(2) Al-Ahwāni: op.cit. p.279

(3) The Royal Rescript of December 30, 1937, dismissing the Cabinet.

was adjourned, in the hope that, during the period of the adjournment, the differences inside the Wafd would result in a definite split, and the new Cabinet would find support in the Chamber. This split did not bring a powerful opposition to the Wafd, and there was no other alternative than the dissolution of the Chamber. (1)

The last prerogative of the King through which he could influence Parliament was his right to nominate two-fifths of the members of the Senate and appoint its President. (2) The Committee of the Thirty in drafting the Constitution had fixed the number of Senators to have been nominated by the King at thirty, and had decided that the King, in appointing the President of the Senate, should have been limited in his choice to one of three candidates elected by the Senate itself. The modification of these principles to the actual provisions of the Constitution was introduced by the governmental Legislative Consultative Committee, which revised the Constitution before its promulgation. (3) By giving the King the right to nominate some Senators, it was thought that it would help in keeping a balance in Parliament, as there would be a chance that those capable personalities who were not elected members of Parliament would be nominated to the Senate. Moreover, it was hoped that it would help in avoiding the domination of any particular political party in the Senate.

It was for the first time in 1924, that differences between the Crown and the Cabinet on the nomination of Senators arose. While

(1) Sabri: op.cit. pp.630-636; Ghosh: op.cit. pp.106-108

(2) 1923 Constitution, Arts. 74 and 80

The 1930 Constitution reinforced the nominated group of Senators, and the King's powers were extended to nominate three-fifths of the members of the Senate. Raafat: op.cit. pp.18-19.

(3) Shafiq: Hawliyat, Tamhid, Vol.III, p.470

the Cabinet believed that it was their right to take part with the King in nominating the Senators by recommending the names, and that the nomination should be by a Royal Decree signed by both the King and the Prime Minister, the Crown alleged that it was a personal prerogative of the head of the State. When divergence between the Palace and the Cabinet grew very grave, both sides accepted the arbitration of Baron F. Von De Bosch, the Prosecutor General (Attorney General) in the Mixed Courts at the time. That arbitration gave weight to the viewpoint of the Cabinet, granting them full authority to participate in the nomination of Senators, as the King could not exercise his powers except through the intermediary of the Council of Ministers, which was entirely responsible to the representatives of the people. ⁽¹⁾

In spite of that clear settlement of differences between the Palace and the Cabinet on the nomination of Senators, they were revived in 1937, when the King refused to accept the recommendations of the Cabinet on the same matter. ⁽²⁾ A new line of thought, however, appeared to justify the King's position stressing that the monarch was not obliged to sign any decree, including of course the nomination of Senators, unless he approved it. ⁽³⁾ The conflict was not settled until after the dismissal of the Wafdist Cabinet which was opposing the conferring of extensive authority on the King. It

(1) Von De Bosch: op.cit. pp.76-81

(2) Saleh: op.cit. p.431

(3) Dubois Richard in "L'Egypte Contemporaine" quoted by Al-Ahwānī: op.cit. pp.392-395

seems that this incident was a turning point in the method of practising the right to nominate the two-fifths of the Senators, because the King used to dictate to different Cabinets of different party colours the nomination of Senators. ⁽¹⁾

A striking example of the very great influence the King had over Parliament through the nomination of Senators, is the annulment of the membership of some Senators in June 1950. This action was justified from the constitutional and legal viewpoints in a way which will be the scope of study in a further part of this work. ⁽²⁾ But in fact, the direct motive behind that action, was to expel from the membership of the Senate some Senators who had put forward an interpellation accusing some officials in the Royal Court of corruption and of being a factor in the supply of fraudulent arms, weapons and ammunition to the Army, and to get rid of the President of the Senate, who had taken a neutral position. ⁽³⁾

The King was the head of the executive power, which resided solely in him, under the conditions established by the Constitution. ⁽⁴⁾ But as he was inviolable and non-responsible, responsibility for executive action rested with his Ministers, and it was to Parliament, not to him, that they were responsible. The Constitution provided for that principle by stating that the "Council of Ministers shall supervise the State services," ⁽⁵⁾ "the acts of the King in relation to State affairs must, to be effective, be countersigned by the

(1) Bahā'u'd-Dīn, A: Fārūq ... Malikā , p.33

(2) See infra Chapter VI, pp.319-322

(3) Majlisu'sh-Shuyūkh: Mahādiru'l-jalasāt, sittings of May 29 & 30 1950; A'r-Rāfi'i: op.cit. Vol.III, pp.316-325

(4) O'Rourke: op.cit. p.70; 1923 Constitution, Art.29

(5) Ibid. Art.57

President of the Council of Ministers and the Ministers concerned,"⁽¹⁾ and that "oral or written commands of the King shall not, under any circumstances, exempt ministers from responsibility."⁽²⁾ Moreover, it stated that "the King shall exercise his powers through the intermediary of his Ministers."⁽³⁾ This means that under such circumstances a King "reigns but does not govern, being a titular head of the State in whose name executive acts are done, while it is his Ministers who are in fact responsible for them to the sovereign legislature."⁽⁴⁾ To realise the significant rôle of the King and his position with regard to the executive power, we need to study and analyse the several rights which were vested in him as the head of that power.

The first of these rights is that he appointed and dismissed his Ministers collectively and individually.⁽⁵⁾ Without the intervention of any of his Ministers, the King selected the person whom he commissioned to form a Ministry. Sometimes, difficulties and crises created by the resignation of the Cabinet demanded that the King should consult political leaders and the Presidents of the two Houses of Parliament, as they were the persons best qualified to advise him on that. An example of such consultations is the one which the King sought after the resignation of Hussein Sirry Pasha's Cabinet in February 1942 and the presentation of the British ultimatum for the appointment of Nahas Pasha to be Prime Minister.⁽⁶⁾ The

(1) Ibid. Art. 60 (2) Ibid. Art. 62 (3) Ibid. Art. 48.
 (4) Bryce: op.cit. Vol. I, p. 253 (5) 1923 Constitution, Art. 49.
 (6) That resignation resulted from the breaking off of diplomatic relations with Vichy in January 1942. The King claimed that he had not been properly consulted, and the Palace demanded the resignation of the Minister of foreign affairs. The Times, February 3, 1942.

advice of the politicians did not oblige the King to act in a certain way, and he might follow it or disregard it altogether.

It was supposed that the freedom of selection of the Premier was restricted, since he should have been the leader of the party or of one of the coalition parties having the majority in the Chamber of Deputies. More than once, the Prime Minister had been a non-party man (independent) having no support in Parliament except the King's right to dissolve the Chamber of Deputies. The first independent Prime Minister was Ziwār Pasha who succeeded Zaghlul in 1924; and it was the first time that the leader of the majority was deprived of his constitutional right. This incident provided a precedent in the constitutional history of Egypt, for the repeated appointment of independent Prime Ministers.

Sometimes the King fell under foreign influence and acted according to directions imposed on him. In spite of the sweeping majority acquired by the Wafd in the elections held in 1926, the King yielded to British intervention and selected a non-Wafdist, Adly Pasha Yaken, to be Prime Minister.⁽¹⁾ Again in 1942, the British Ambassador in Cairo, Lord Killearn, compelled the King to appoint Nahas Pasha, the leader of the Wafd, to be Prime Minister.⁽²⁾

Although the Prime Minister was supposed to be the leader of the majority, and therefore should be a member of Parliament, very often the King selected Prime Ministers who were not members of Parliament.

(1) Saleh: op.cit. p.260; Sabrī: op.cit. p.503; Ghosh: op.cit. pp.92-93; Lloyd: op.cit. Vol.II, pp.158-168; Kohn: op.cit. p.93; Marshall: op.cit. p.255

(2) Wells, S.: Where are we heading, p.208; Fitzsimons: op.cit.p.24; Setton-Williams: op.cit. p.69; R.I.I.A.: The Middle East, a political and economic survey, p.164; Majlisu'n-Nuwwāb: op.cit. IX-ii, §.9, pp.63-64 and §.14, p.134.

For example, Ali Pasha Mahir in 1939 and Ibrahim Abdel Hadi Pasha in 1948 were first selected for the Premiership and were later nominated Senators.

There is no better evidence to prove the influence of the King in the choice of Prime Ministers than the fact that after the resignation of El-Hilaly Pasha in June 1952, Hussein Sirry Pasha was charged to form a Cabinet. There were some indications that he could not succeed in forming that Cabinet, therefore Bahi El Din Barakat Pasha was asked to become Prime Minister. While this latter nominee for the Premiership was proceeding with contacts to form the Cabinet, the King agreed to Sirry Pasha's propositions, and issued the decrees appointing the Cabinet chosen by Sirry Pasha, notwithstanding the fact that Barakat Pasha was still engaged in seeking a Cabinet.⁽¹⁾

As regards the composition of the Ministry, it was the Prime Minister who chose his colleagues, and a Royal decree signed by the King and the Prime Minister was necessary for the actual appointment of Ministers. The liberty of the Prime Minister to choose his colleagues was not absolute, as there was nothing to prevent the King from advising him as to the men who were more or less fit or unfit to be invited to join the Cabinet. Very often the King objected to the appointment of certain persons to be Ministers, though they had been chosen by the person whom he had selected to

(1) La Bourse Egyptienne, June 30 and July 1 and 2, 1952

be President of the Council of Ministers.

The first interference of the King in the selection of Ministers was in 1924 when he did not approve the appointments of Aly Pasha El Shamsy, Neguib El Gharably, and Wassif Ghali to be ministers in the first Constitutional Cabinet, because the first was accused of being in touch with the ex-Khedive and the other two had not the title of "Pasha". That objection was over-ruled, and although this precedent should have established that the King should raise no objection to the Prime Minister's choice of his colleagues, the Crown's interference in that matter was very frequent. King Fuad objected to the nomination of Hafiz Afifi Pasha in 1925, and King Farouk refused to appoint Youssef El Guendi in 1937, to be Ministers.⁽¹⁾

Moreover, the King's attitude towards the selection of a minister of war in June and July 1952 shows clearly the great influence he had acquired with regard to the appointment of ministers. It was the difference between the King and Hussein Sirry Pasha on the name of the Minister of War, that induced the Prime Minister to resign in July 1952.⁽²⁾ The new Prime Minister, El-Hilaly Pasha, whose Cabinet lasted only for one day as it was forced to resign under the pressure of the coup d'état of the armed forces, chose Mortada El Maraghy Pasha for that portfolio, but the King imposed

(1) Al-Ahwānī: op.cit. pp.400-401; Saleh: op.cit. pp.425-426

(2) The Prime Minister had chosen General Mohamed Neguib, who seemed to enjoy popularity amongst the Army, but the King rejected that choice and insisted on the appointment of General Hussein Sirry Amer, one of his entourage.
Cf. The Times, July 23, 1952, Sablier: op.cit.

on him, as a Minister of War, his brother-in-law, Colonel Ismail Sherin.⁽¹⁾

The length of time which a reshuffling in the Cabinet sometimes took may elucidate some difficulties which a Prime Minister faced when forming or reshuffling a Cabinet. Once in 1938 it took the Premier more than three weeks to make the change-over which was needed.⁽²⁾ Again in the summer of 1951 a reshuffle of the Cabinet seemed necessary, especially after the death of the Minister of Religious Endowments (Wakfs) in July and the resignation of the Minister of Social Affairs in August, but the reshuffle was postponed more than once, and the reason forwarded for that postponement was the absence of the King abroad. In spite of this fact, the appointment of a Minister without portfolio and the acceptance of the resignation of the Minister of Social Affairs took place while the King was still abroad.

It is a natural right of whoever appoints the Ministers to dismiss them, and this right of the King was confirmed by the Constitution. In practice the King had used his right to dismiss the Cabinet without regard to the weight of support they were having from the Chamber of Deputies and the people. Most of the Ministries Egypt had had from 1923 until the abrogation of the Constitution in 1952, were put into power in spite of the fact that they had no majority, and the Wafd, the popular party, as has been previously pointed out, came to power only to be dismissed by the King.

(1) The Times, July 23, 1952, Bahā'u'd-Dīn: op.cit. p. 33.

(2) Al-Ahwānī: op.cit. p. 304.

It was observed that while their appointment was by Royal Decree, the Cabinet's dismissal was by Royal Rescript; that is something which had been criticised because it exposed the King to the possibility of bearing the sole responsibility for the dismissal of the Cabinet. Therefore, it had been proposed that the new Prime Minister should sign the act dismissing his predecessor, and in that way he would undertake all responsibilities which may have arisen from the dismissal of the Cabinet.⁽¹⁾

Here we have to notice that the dismissal of the Cabinet took place under foreign pressure, as well as by the deliberate will of the Monarch. Although the direct reason for the dismissal of the Wafdist Cabinet in 1928 was the collapse of the coalition with the Liberal Constitutionalist Party, there were some unseen reasons for that dismissal. As has been shown in Chapter I, the revival of hostilities between the Palace and the Wafd might have been an element, but the decisive factor leading to that dismissal was the British ultimatum addressed to the Government and the protests of the British High Commissioner against some legislation.⁽²⁾ On the other hand, the dismissal of the Cabinet in 1937 was due to differences of opinion between it and the Palace on some constitutional matters, especially the nomination of Senators, the appointment of civil servants and the royal court officials, the conference of ranks and decorations, and the right of the executive power to initiate legislation.⁽³⁾

(1) Saleh: op.cit. p.402; Ra'fat & Ibrāhīm: op.cit. p.566

(2) See *supra* Chapter I, pp.55-59,

(3) Sabri: op.cit. pp.630-639; A'r-Rāfi'ī: op.cit. Vol.III, pp.54-55

In consequence of the dismissal of the Cabinet, the Chamber was dissolved and new elections fell to be held as in 1944; the adjournment of Parliamentary sittings might have preceded the dissolution, as happened in 1937-38 and 1952. In some cases repercussions became more grave and the parliamentary system and the Constitution were suspended, as in 1928.

In addition to the King's right to dismiss the Cabinet, he could dismiss individual ministers. The King had practised this right more than once, and the first precedent was the dismissal of Abdel Aziz Pasha Fahmy, the Minister of Justice, in September 1925, because of his attitude towards the author of a book about "Islam and the Principles of Government" who contradicted the policy of the Palace at that time.⁽¹⁾ The dismissal of Dr. Zaki Abdel Motaal, Minister of Finance, in November 1950 when he disagreed with other Ministers on the fiscal policy of the State, was in compliance with the Cabinet's attitude.

If his right to dismiss the Cabinet and individual ministers was a constitutional one, stipulated for by the Constitution and regulated by its rules, the King practised influence on the Cabinets and ministers and, repeatedly, forced them to resign whenever he deemed it necessary. It was differences on the initiation of some Bill that resulted in the resignation of Nahas Pasha and the Wafdist Cabinet in 1930; but it was simply compliance with monarchical orders which obliged Mohamed Mahmoud Pasha in 1939, El-Nokrashy

(1) See supra Chapter I, p.53.

Pasha in 1946, and Ibrahim Abdel Hadi Pasha in 1949 to tender the resignation of the Cabinets which they presided over.⁽¹⁾ An example of forcing individual ministers to resign is that of putting pressure on Ahmed Attiah Pasha, Minister of War, in 1947, to clear his position in order to be filled by Mohamed Haidar Pasha, who was one of the King's entourage and a favourite of the Palace.

It may be of some interest to discuss the right of the King to accept the resignations of Ministers. For the first time in the Royal Decree of May 18, 1938 appointing Mohamed Mahmoud Pasha to be Minister of Finance, it was frankly stated that the King had accepted the resignation of the former Minister, Ismail Sidky Pasha. Prior to that, the King had never referred to the resignation of any Minister in any Decree, but the acceptance of such resignation was understood from the Decree appointing a new Minister to replace the one resigned. The political party in opposition at that time, i.e. the Wafd, alleged that the incident mentioned was evidence of the reinforcement of the sovereign's authority at the expense of that of the Prime Minister and the people. In fact, the King who had the authority to dismiss Ministers, a right more significant than the acceptance of their resignation, should have had that minor right.⁽²⁾ Moreover, in practice, he had had that prerogative only in a round about way, and that is why it was believed that the King did not obtain a new right, but started to practise an old one in a more direct way. From then, the resignation of Ministers was accepted

(1) Bahā'u'd-Dīn: op.cit. pp.34-35

(2) Al-Ahwānī: op.cit. pp.305-312

by a Decree signed by the King and the Prime Minister. The long time which elapsed before the acceptance of the resignation of Dr. Ahmed Hussein Pasha, the Minister of Social Affairs - who tendered his resignation from the Cabinet in August 1951 - because of the absence of the King abroad, shows the important role of the monarch in accepting his Ministers' resignations.

In consequence of the rule that the King exercised his functions as the head of the executive power, he was legally entitled to call for information on all that happened in every public department and to advise his Ministers on their conduct of public affairs, and could express to them his views on any subject. Moreover, he had the right to attend the meetings of the Council of Ministers, which would then be called the Council of the Ministry or Cabinet Council, when it was deliberating matters and measures needed to face important problems; but because of his non-responsibility he did not have a vote although he was entitled to the honorary presidency of the Council. (1)

Although the King's right to attend the meetings of the Council of Ministers was not mentioned in the Constitution, it had been the subject of discussion in the Committee of the Thirty which, however, did not approve it because of its belief that the King should be above political parties and aloof from their disputes, and because of its fear that, as in all oriental countries, his presence in the Council would influence the Ministers and constrict the democratic

(1) Kamel: op.cit. p.212; Ra'fat & Ibrāhīm: op.cit. p.547

spirit.⁽¹⁾

In practice, it was the habit of King Fuad to use that traditional right of attending the meetings of the Council of Ministers, but at the end of his reign and during the regency this right was not used so that it was believed that the King's prerogative had lapsed.⁽²⁾

But King Farouk used the right to attend and preside over the Cabinet Council; for the first time on October 30, 1941, he attended the meeting in which matters concerning rationing and food supply were discussed. After that meeting the Prime Minister conveyed to the King the gratitude of the Council of Ministers for his attendance to the Cabinet Council. In his reply, the King said, "No thanks are to be paid for performing a duty"⁽³⁾ That statement asserted the right of the King to attend such meetings.

The second prerogative which the King enjoyed as the head of the executive power, and which was very important in respect of administration, was his right to make regulations and issue decrees of different kinds when certain exigencies required such action.⁽⁴⁾ The first of these regulations were those necessary for the execution of laws provided that they did not modify or suspend the operation of laws or exempt from their execution. It is obvious that although Parliament had the right to establish principles of regulations necessary for the execution of laws, it would seem too onerous that

(1) Saleh: op.cit. pp.215-219

(2) Ibid. p.446

(3) Khalil, ^cU: Al-Qānūn al-Idāri, Vol.I, pp.148-149. Cf. The position of the President of the French Third Republic, about which Bryce: op.cit. Vol.I, p.255, said: The President "holds a position between that of the British King, who reigns but does not govern, and that of the American President, who governs as well as reigns, but only for four years."

(4) O'Rourke: op.cit. p.72

it should have issued every detail about these regulations because of the vast number needed. Therefore, this function of Parliament was conferred on the head of the State who was at the same time the head of the executive power. These regulations were usually issued in the form of Decrees signed by both the King and the competent Ministers, unless certain laws bestowed on the Council of Ministers the right to issue them, and in this case they took the form of ministerial decisions. (1)

The so called 'independent regulations', which had no connection with the execution of laws and which the King issued in his role of administrator to organise public services, formed the second class of regulations which the sovereign could issue. Within the sphere of the independent regulations was the competency of the executive power to establish new ministries and departments, to abolish old ones and to issue police regulations which were slight restrictions on the liberty of individuals for the protection of public safety, security and health. It is important to notice that independent regulations might have been issued according to a decision of the Council of Ministers, as well as according to a Decree. In fact there was no stable tradition in that matter. In addition, there was no constitutional justification for the executive power to impose restrictions on individuals' freedom and punishment of offenders except the traditions which had been in existence from before the promulgation of the Constitution. (2)

(1) 1923 Constitution, Art.37; Šabīrī: op.cit. pp.461-463

(2) 1923 Constitution, Arts. 44 & 167; Šabīrī: op.cit. pp.464 and 470-471; Al-Ahwānī: op.cit. pp.283-285; Khalīl: op.cit. Vol.I. pp.155-156

The most exceptional prerogative of the King was his right to issue Decree laws during intervals between sessions of Parliament, provided that they were not contrary to the Constitution and were submitted to Parliament in the first sitting of an extra-ordinary session specially convoked for that purpose. The failure of their submission to Parliament, or their rejection by either of the two Chambers of Parliament would result in these decree laws ceasing to have the force of laws. (1) Decree laws which the King issued through the intermediary of his Ministers constituted a third class of regulations which the King had the right to issue. Not only could he through Decree laws issue new legislation, but he could also modify and suspend laws. Remembering that his partnership in the legislature did not exceed his right to sanction and promulgate laws after their ratification by Parliament, the exceptional nature of this right of the King appears because its practice was contrary to the principle of the separation of powers as well as to that of co-operation between them. (2)

Perhaps because the King had exercised this right very often, it was the topic of many discussions, especially when Decree laws were issued during the adjournment of the sittings of Parliament or the dissolution of the Chamber of Deputies. For the first time during the dissolution of the Chamber of Deputies in 1924 a decree law modifying the electoral law was issued. As it was issued during the non-existence of Parliament and its aim was to weaken the Wafd,

(1) 1923 Constitution, Art.41

(2) Al-Ahwānī: op.cit. pp.286-288

that political party alleged that it was unconstitutional to issue decree laws during the period of the dissolution of the Chamber.⁽¹⁾ Although Parliament in 1926 considered that decree laws which had been issued during the adjournment or dissolution of Parliament were unconstitutional,⁽²⁾ some other decree laws were issued during the adjournment and dissolution of Parliament in 1938.

Two different lines of thought about the competency of the King to issue decree laws during the period of adjournment or dissolution of Parliament appeared. On the one hand, a group of thinkers believed that the King's right to issue decree laws should only have been exercised during the intervals between parliamentary sessions as the Constitution stated very clearly that this right was to be practised "between sessions of Parliament."⁽³⁾ They argued that if decree laws were issued during the period of the dissolution of the Chamber of Deputies, the constitutional provision that they should be discussed in Parliament in an extra-ordinary session would be a material impossibility.⁽⁴⁾ Moreover, they considered that the

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- (1) Ibid. p.277; Shah: op.cit. p.225; A'sh-Sharīf, M.: 'Alā Hāmish Ad-Dustūr, Part I, pp.201-206
- (2) Ibid, Part. II, pp.501-505; Majlisu'sh-Shuyūkh: Tagrīr Laynatu'l-Shu'ūni'l-Dustūriyah, dated December 4, 1945, pp.4-7
- (3) 1923 Constitution, Art.41. The Sidky's Constitution frankly stipulated for the competency of the King to issue decree laws during the dissolution of the Chamber of Deputies: Art.61 of that Constitution; Raafat: op.cit. pp.24-25
- (4) In the French text of the 1923 Constitution Article 41 stipulated for the convocation of an immediate extra-ordinary session of Parliament to discuss decree laws issued between parliamentary sessions. The 1930 Constitution did not necessitate the convocation of an extra-ordinary session of Parliament, but stated that decree laws should be presented to Parliament within a month during the first parliamentary session following their issue. 1930 Constitution, Art.41; Raafat: op.cit. pp.24-25

adjournment of Parliament was a break in one parliamentary session and did not separate two successive ones as was clearly indicated in the Constitution; also, that the dissolution ended a legislative term and thus its period separated two legislative terms and not two parliamentary sessions. For all these reasons, this group, supported by the Wafd, rejected the concept that the King could issue decree laws during the period of dissolution of the Chamber of Deputies or the adjournment of Parliament. ⁽¹⁾

On the other hand, another group supported the viewpoint that cases of necessity mentioned in Article 41 of the Constitution may arise during the adjournment or dissolution of Parliament, and therefore, to justify the competency of the King to issue decree laws during such a period, they alleged that the phase of the dissolution of the Chamber of Deputies started with the end of the last session of the old Parliament and ended with the beginning of the first session of the new one. In other words, they considered the period of dissolution as separating two parliamentary sessions. Moreover, they thought that there was no contradiction between the dissolution of the Chamber of Deputies and the convocation of Parliament, especially as the Constitution in Article 89 laid down that the Act dissolving the Chamber of Deputies should provide for new elections to be held and the new Parliament to be convoked. ⁽²⁾

(1) Sabri: op.cit. pp.479-480; Al-Ahwānī: op.cit. pp.293-295;
 Sabry: Le pouvoir législatif et le pouvoir exécutif en Égypte,
 pp.171-172

(2) The speech delivered by the Minister of Justice on July 18, 1938 to the Senate about the constitutionality of decree laws issued during the dissolution of the Chamber of Deputies (February 10, to April 11, 1938), quoted in Saleh: op.cit. pp.538-542

Although the problem whether the King could issue decree laws during the period of dissolution of the Chamber of Deputies was under discussion for a long time in Parliament, and although members of Parliament showed more than once their tendency to adopt a resolution giving no right to the King to issue such decrees during the adjournment of the sittings of Parliament or the dissolution of the Chamber of Deputies, that resolution was not passed. During the period of dissolution of the Chamber of Deputies (November 7, 1949 - January 15 1950) more than thirty decree laws in connection with political and economic matters were issued.⁽¹⁾ Moreover, after the dissolution of the Chamber of Deputies in March 1952, up till the abrogation of the Constitution in December, the legislative function of the State was exercised by the King through issuing decree laws.

One last remark about the King's right to issue decree laws is that in issuing decree laws, even during intervals between parliamentary session, no observation was paid to the provisions laid down by Article 41 of the Constitution. In certain cases where necessity did not arise some decree laws were issued. In other cases, where conditions might have necessitated the issue of some decree laws, they were never presented to Parliament except during the ordinary session following their issue.⁽²⁾

It is interesting to discuss the basis on which the King assumed the power to legislate during the suspension of Parliamentary life. The Royal Rescript No. 46 of 1928 suspending Parliament and

(1) Majlisu'sh-Shuyūkh: op.cit. pp. 7-10 and 30; Majlisu'sh-Shuyūkh: Taqrīr Lajnatu'l-Shu'uni'l-Dustūriyah (dated September 4, 1951) pp. 1-4; Majlisu'n-Nuwwāb: op.cit. X-i, S.38, pp. 66-71

(2) Sabri: op.cit. pp. 491-493.

some articles of the Constitution frankly stated that "the legislative power during the three years (the period of the suspension of Constitutional life) will return to us (the King) in confirmation of Article 48 of the Constitution and will be exercised through decrees having the power of laws." This means that a new prerogative was created to be exercised by the King during the suspension of Parliament, namely the right to issue decrees having the power of laws. These decrees were not the same as decree laws which the King could issue according to Article 41 of the Constitution. They were not repealed when Parliament would not approve them, but needed decrees of the same kind, laws or decree laws to abolish them. ⁽¹⁾

To secure the easy working of governmental departments the King was to "appoint and dismiss civil servants." ⁽²⁾ It is quite apparent that this prerogative of the King was bound to the will of the legislative power shaped in the form of laws, and it is understood that Parliament could modify and create laws to widen or narrow the King's authority in that sphere. The appointment and dismissal of high ranking civil servants were reserved to the King through the intermediary of his ministers. The appointment of such civil servants sometimes raised friction between the King and the Cabinet when the King did not agree with the viewpoint on the advice of the government. This was clearly seen in the King's insistence on the creation of the post of the High Commander of the Armed Forces in 1950, and on a particular person to occupy it. ⁽³⁾ It had been also

(1) Saleh: op.cit. p.327.

(2) 1923 Constitution, Art.44.

(3) Majlisu'n-Nuwwāb: op.cit. X-i, S.3, pp.15-17.

a factor contributing to the grave crisis which arose between the Palace and the Cabinet in 1937 and led to the dismissal of the latter. On this point the dismissed Prime Minister wrote:-

"Appointments to and dismissal from administrative posts were another point at issue. Unless the Government is free in this matter, it cannot be responsible to Parliament for the administration of the country."⁽¹⁾

The appointment of high ranking officials of the Royal Court is a very important sub-division to the appointment of civil servants. In the Committee of the Thirty an opinion emerged that a change of the political party in power should be followed by a change of occupiers of high ranking posts in the Royal Court in the grade of Ministers, namely the Chief and Vice-Chief of the Royal Cabinet. So important was the rôle of these officials of the Royal Court that the Committee of the Thirty sought co-ordination between them and the Government to avoid any friction between the Cabinet and the Palace.

The post of the Chief of the Royal Cabinet, for instance, although it had no place in the Constitution, had in fact, significant, delicate and dangerous functions of administrative and political nature, especially when held by a strong personality. The occupier of this post was the means of contact between the Palace and the Cabinet. In ordinary times he gave the Cabinet all information about the King's will and desires, and transmitted to the King the Cabinet's requests and demands. In case of crisis he was consulted

(1) Keesing's Contemporary Archives, (1937-40), p.2880

and undertook an important political rôle. He gave his views whenever they were needed, and all decrees and recommendations of the Cabinet passed through his hands before they were presented to the King and he could advise the refusal of any of them.

It would have been much better, and the country would have avoided many crises and political troubles, if the rule that the occupiers of the high ranking posts of the Royal Court should have changed in consequence of the change of the governing political party had been adopted, because without doubt the co-ordination of policies of both the Royal Cabinet and the government would have enabled them to escape many critical situations, or at least to pass through them without much trouble.⁽¹⁾ The country would have escaped grave crises which occurred as a result of situations during which palace officials "monopolised all powers, dictated royal policies and dominated the premiers, imposing upon them coalition Cabinets, and sometimes even dismissing them."⁽²⁾

(1) Al-Ahwānī: op.cit. pp.363 and 382-383; Hayworth-Dunne, op.cit.p.25

(2) Ghosh: op.cit. p.109

The officials of the Royal Court were of great significance in the political life; they infiltrated into every department of the governmental machine to exert great influence on civil servants through using threats or the words "King's orders". By citing the following incidents, it is only meant to provide evidence of the corrupted actions of the Palace officials:

(a) The resignation of El-Hilaly Pasha's Cabinet, this Cabinet owed the tenure of its office to the monarch rather than to the will of the people, came in July 1952 as a product of court intrigue. It is said that this Cabinet decided to take over the administration of the "Société des Sucreries" which differed continually with the Government on the fixation of sugar prices and the payment of taxes levied on it. The management of that company could not afford leaving the government to take such

After the promulgation of the Constitution, the appointment of high-ranking officials of the Royal Court was made by a Royal Decree till 1924 when Hassan Nashaat Pasha was appointed the Vice-Chief of the Royal Cabinet by a Royal Rescript without the approval or recommendation of the Prime Minister. This appointment created friction between the Palace and the Cabinet which seemed to be leading to a grave political crisis till the Chief of the State Legal Services, M. Piola Caseli, was consulted. Although he expressed the viewpoint that the appointment of the Chief and the Vice-Chief of the Royal Cabinet was one of the King's functions which were related to State affairs and which should be exercised through the intermediary of the Cabinet by a decree signed by the Premier and the competent Ministers along with the King, he stressed the point that as long as holders of such posts were close to and very much in contact with the King, the Crown should have had freedom to choose

= a drastic action, and therefore decided that "the government must go." In its campaign against the Cabinet, the company had the help of the court officials. It is also said that this campaign cost the company the sum of one million pounds. The New York Times, July 6 & 8, 1952; The Times, July 5, 1952.

(b) In 1949 when the King charged Hussein Sirry Pasha to form a Cabinet, it is said, that the latter laid down as one of his conditions for acceptance, the purge of Palace officials. That condition was refused and Sirry left for Europe, to be called again after a short time for the formation of the Cabinet. Although the second call on Sirry meant the acceptance of the condition to purify the court officials, nothing was done in that effect. Sablier: op.cit.

(c) One of the first actions taken by the leaders of the Coup d'Etat in July 1952 was to insist on the King to expel some members of his entourage who were well reputed of corruption and influencing the Palace decisions. The Times, July 26, 1952.

them. The Cabinet would in this case merely have the right that the Prime Minister and the Minister of Finance sign the decree without putting it under consideration or discussion in the Council of Ministers. Thus, following that decision the Premier and the Minister of Finance signed the "Royal Rescript" according to which Nashaat Pasha had been appointed.⁽¹⁾

This rule did not last long because during the adjournment of Parliament in 1925 and while the Cabinet of Ziwar Pasha, which adopted the policy to extend the King's authority by interpreting the Constitution in his favour, was in power, it became a personal right of the monarch to appoint the Royal Court officials by a Royal Rescript without the participation of any of the Ministers. This idea was based on the point which M. Caseli had expressed and which the State Legal Services, expressed in a new way: as the occupiers of the posts of the Royal Court should enjoy the King's confidence and must not be biased to any of the political parties, it would be preferable for the Crown to have complete freedom to fill these posts. Here the question might be asked if any of the chiefs or vice-chiefs of the Royal Cabinet had ever shown any bias towards some particular political party, and the situation when the King lost confidence in the majority of the people which was usually represented by the Ministers might be recalled.⁽²⁾

From that time the appointment of Royal Court officials had

(1) Al-Ahwānī: op.cit. pp.364-365

(2) Ibid. pp.365-369; Saleh: op.cit. pp.261; Sabri: op.cit. pp.510-512; Shafiq: Hawliyat, Vol.II, pp.234-237

been by Royal Rescript, and the application of that rule had caused many differences between the Palace and the Cabinet. In some cases such frictions even led to the dismissal of the Cabinet and the dissolution of the Chamber of Deputies as happened when the Wafdist Cabinet in 1937 objected to the appointment of Aly Maher Pasha as Chief of the Royal Cabinet. The appointment of Aly Maher to that post was a shocking surprise to the Wafdist Cabinet which considered him to have been one of the leading political enemies of the Wafd. At that time he had the reputation of bearing strong allegiance to the King and certainly the monarch had great confidence in him. However, by the nomination of Aly Maher to the post of the Chief of the Royal Cabinet the cleavage between the Palace and the Cabinet crystalised, and was ended as has just been mentioned by the dismissal of the Cabinet. (1)

A parallel incident of appointment of a chief of the Royal Cabinet despite his antagonism to the Cabinet in office occurred in December 1951 when Dr. Hafiz Afifi Pasha was chosen for that post which had remained vacant for about two years. This appointment caused differences between the Palace and the Wafdist Cabinet because of the reputation of Afifi Pasha of being anti-Wafdist and his declared views which did not coincide with the government's policy, especially in relation to foreign affairs. This friction between the Palace and the Cabinet led the latter to consider their resignation, and demonstrations against Afifi Pasha's appointment rose all

(1) Sabri: op.cit. pp. 512-516; Bahā'u'd-Dīn: op.cit. pp.30-31; Saleh: op.cit. pp.350-351; R.I.I.A.: op.cit. p.162

over the country. Although the Wafdist Cabinet, adopting a compromising policy, bent to let the storm pass peacefully, not very long after the appointment of Afifi Pasha that Cabinet was dismissed. (1)

A new line of thought with regard to the appointment of the Royal Court officials appeared. It tended to distinguish between two groups of officials: the first, that group which was in the personal service of the King, such as his Private Secretary and the Director of the Royal Privy Purse, and it was alleged that their appointment ought to be out of the sphere of ministerial responsibility, i.e., it should have been by Royal Rescript; the second, the group of other officials such as the Chief and Vice-Chief of the Royal Cabinet whose functions were related to State affairs should have been appointed by Royal decrees because that method might have secured the co-ordination of the policies of both the Cabinet and the Palace. (2)

To realise the significance of such co-ordination we have to review the political situation during different phases of the history of Egypt. A first phase is that during which Nashaat Pasha was the Vice-Chief of the Royal Cabinet (1924-1926), especially the period when the Wafd was in power. He used every means to weaken the Wafd which was striving for the establishment of real democratic rule, and to extend the King's rights and authority, with the result that he established a political party, i.e. the Unionist Party, which helped

(1) Bahā'u'd-Dīn: op.cit. p.42; The Scotsman, December 25, 26, 27 and 28, 1951; The Times, December 26, 27 and 28, 1951

(2) Šabri: op.cit. p.506

him to reach his aim.⁽¹⁾ Similar periods of political turmoil existed when the Wafd was in power and different anti-Wafdist chiefs of the Royal Cabinet showed their feelings against that political party. The crisis of 1937 when Aly Maher Pasha held that post, along with that crisis of 1951-52 when Hafiz Afifi Pasha was appointed Chief of the Royal Cabinet have already been discussed. It was the responsibility of Ahmed Hassanein Pasha, who occupied that post during the Second World War, that animosity between the King and the Wafd reached its height.⁽²⁾ The very same three Chiefs of the Royal Cabinet served the King while anti-Wafdist Cabinets were in office, but the political scene was different and relations between the Cabinet and the Palace were rather friendly. It seems that the main reason for that cordial relationship was the fact that the anti-Wafdist parties were known as being the King's parties and might have given way to the wishes of the King and his entourage. In addition, there is the phase of 1947-1948 when Ibrahim Abdel Hadi Pasha, one of the figure heads of the Saadist Party, and who became later in 1949 the leader of that party, occupied the post of the Chief of the Royal Cabinet. That period was comparatively a quiet one, and the reason might be found in the fact that the Saadist Party for which the Chief of the Royal Cabinet had some esteem and appreciation, was in power. This does not deny that there were some occasions of friction between the Palace and the Cabinet, but before they became apparent they were amicably solved without bringing on any crisis.

(1) Haykal: op.cit. Vol.I, pp. 223-227; Young: op.cit. pp. 279 et seq.

(2) Bahā'u'd-Dīn: op.cit. pp. 36-37.

In order to curtail the influence of the Chief of the Royal Cabinet, the Wafdist Cabinet in 1936 insisted on the creation of a Ministry for the Royal Palace Affairs with the aim to "renew allegiance and confidence between the Throne and the people, ... (and) (1) to reinforce the parliamentary system on a democratic basis" This post was intended to supercede that of the Chief of the Royal Cabinet, its occupant to be appointed by the Prime Minister instead of the King, was to hold Cabinet rank, to resign with the Cabinet, and was to act as liaison between the Palace and the Cabinet. In spite of all suitable circumstances for the establishment of such a ministry, the Cabinet failed to achieve its full objective, and was satisfied with the appointment of a Parliamentary Under-Secretary of State for Palace Affairs in June 1936. Although the intentions of the Wafd and its hopes from the creation of such posts were very clear, the Note creating the post of Parliamentary Under-Secretary of State for the Royal Palace Affairs clearly stipulated that neither the creation of a Ministry, nor the appointment of a Parliamentary Under-Secretary of State for the Palace Affairs meant that they would replace any of the Royal Court officials, but were just a means of contact between the Palace and different governmental departments in order to ensure co-ordination between the government's policy and that of the Palace. (2) As a matter of fact, after the dismissal of the Wafdist Cabinet in 1937 the post of the Parliamentary Under-Secretary of State for the Royal Palace Affairs remained vacant until

(1) The letter of the Prime Minister, Nahas Pasha, when forming the Cabinet, cited in A'r-Rāfi'ī: op.cit. Vol.III, p.13

(2) Ibid. p.15

it was abrogated later. A ministry for Royal Palace Affairs was never established before July 1952 when the influence of Palace officials increased enormously, and circumstances necessitated its foundation with, according to Hassein Sirry Pasha, the Prime Minister who founded that ministry, the object of minimising the influence of Palace officials and consequently of eradicating it. That ministry, however, failed in realising its object.⁽¹⁾ The reasons for that failure seem mainly to be first, the person who was appointed Minister for Royal Palace Affairs was in much sympathy with the King and his entourage that he could not act against their wishes.⁽²⁾ In other words, the choice of the personality which occupied that post was not very successful. A second reason may be that the ministry functioned only for about three weeks at the end of which the army coup d'état started.

The nomination of chiefs of religion was one of the prerogatives which the King enjoyed. The Constitution referred to a law to regulate their appointment and provided that in case of absence of any legislative provisions, rules and usages which had been in existence at the time of the promulgation of the Constitution would continue to be exercised.⁽³⁾ Not before 1927 did Parliament use its constitutional right and ratify a law stipulating that all appointments to all high ranking religious posts would be one of the King's

(1) Sablier: op.cit.

(2) The man appointed to be Minister of Royal Palace Affairs was Karim Thabet Pasha, who had occupied the post of the Press Counsellor to the King. He was accused of, and was condemned for charges of corruption by a revolutionary tribunal.

(3) 1923 Constitution, Art.153

functions, exercised by him through the intermediary of his ministers. This rule did not last long, as the 1930 Constitution (Art.142) gave the King alone the right to appoint the Rector of Al-Azhar and all other heads of Moslem and non-Moslem religions. Even after the abrogation of that Constitution and the revival of the 1923 one a decree law confirmed the principle that religious heads were to be appointed by Royal Rescripts.⁽¹⁾ The dismissal of religious heads was not referred to in that decree law, but no doubt he who had the right to nominate, had the right to dismiss;⁽²⁾ and for the first time the King practised his right to dismiss heads of religions when, according to the recommendation of the Cabinet, he dismissed the Rector of Al-Azhar in September 1951.⁽³⁾

Although there was no doubt that diplomatic representatives were considered civil servants and their appointment should have been made according to Article 44 of the Constitution, the Consultative Legislative Assembly added to Article 49, which stipulated for the King's right to appoint and dismiss his ministers, that he also would appoint and recall diplomatic representatives.⁽⁴⁾ Although it had been customary for the appointment of diplomats to be made according to a Royal Rescript, the Cabinet bore the responsibility of the appointment which was usually made on the proposal of the Minister of Foreign Affairs.⁽⁵⁾ In spite of the fact that diplomatic

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- (1) Sabri: op.cit. pp.504-505
 (2) Saleh: op.cit. pp.362-365
 (3) Akhbaru'l-Yawm, September 9, 1951
 (4) 1923 Constitution, Art.49
 (5) Sabri: op.cit. p.504

representatives represented the King in foreign countries, they were at the same time representatives of the government; and this latter function has become more important than the former since the duty of diplomats has become purely political and its execution should be in co-ordination with the foreign policy of the government they represent. That may be the reason why the right to appoint and recall diplomats which was conferred on the King had been continually criticised as it might have given a chance to the Palace to influence diplomatic representatives to carry out a certain foreign policy perhaps different to that of the government.⁽¹⁾ In fact, those critics had reason for their call to minimise the part of the monarch in appointing and recalling members of the diplomatic corps. Very often the King influenced the appointments of diplomatic representatives and insisted on particular persons to hold special posts. A very good example is his insistence in 1945 on the appointment of Abdel Faltah Amr Pasha to be the Egyptian Ambassador in London. Although the Cabinet resented that idea, no concrete opposition to that nomination appeared. Another example is the appointment of Mohamed Ali Sadek Pasha (the uncle of Queen Narriman) to the post of Minister plenepotentiare to the Netherlands in 1950. As a result of the extensive authority the King had enjoyed in appointing and recalling diplomats, he acquired a new privilege, namely, very often diplomats sent their reports and studies to the Palace, and reported

(1) Shafiq: Hawliyat, Tamhid, Vol.III, p.519; Ash-Sharif: op.cit. Part II, pp.227-228

(2) Control, Supervision, & Political Responsibility, p.170

(3) Al-Ahwal: op.cit. p.334

their information and in person to the King and his entourage prior to the responsible Prime Minister and Minister of Foreign Affairs. (1)

The Constitution stipulated that the King was the supreme commander of land and sea forces, and gave him the right to nominate and dismiss officers. (2) Does this mean that the King took the command of the army and planned the defence of the country and the attack on the enemy whenever it was needed? Although the King in most constitutional monarchies is the supreme commander of the armed forces, no King took the command of his forces during the two world wars, leaving it to professional officers. The same happened in Egypt when qualified officers and military specialists, and not the King, took command of the armed forces when military actions were taken against Israeli forces in Palestine in 1948. It was the Legislative Consultative Committee, in order to avoid submitting the appointment and dismissal of officers to ministerial responsibility, which refused the proposal of the Committee of the Thirty to add the phrase "civilians and military officials" to Article 44 of the Constitution. (3) Although it was the King's right to nominate and dismiss officers, and although it had been the custom that their nomination and promotion were by Royal Rescripts, the scope of ministerial responsibility extended to embrace that, as they were nominated according to recommendations of the Committee of officers.

(1) Bahā'u'd-Dīn: op.cit. p.37

(2) 1923 Constitution, Art.46. Cf. The position of the King in Belgium as the supreme commander of the armed forces, where he undertakes more responsibilities than monarchs in Europe, and where this function was completely subordinate to parliamentary control. Loewenstein, K.: Political reconstruction, p.170

(3) Al-Ahwānī: op.cit. p.334

In 1950 interpellations about certain accusations against some officers were raised in the Senate.⁽¹⁾ This action proves that the nomination and dismissal of officers were within the scope of ministerial responsibility. It emphasises also the concept that their appointment should be through the intermediary of competent ministers and in accordance with Article 60 of the Constitution.⁽²⁾ In addition, the incident of differences between the Minister of Defence, Ahmed Attiah Pasha, and the Palace in 1947 about appointments to some posts in the army confirms that concept. Differences about persons to be appointed in some key posts in the army pushed the Minister to tender his resignation. It was only after a compromise between views of both the Palace and the Minister that the latter withdrew his resignation.⁽³⁾

It was the King's right to declare war, make peace and conclude treaties. The declaration of offensive wars needed the consent of Parliament.⁽⁴⁾ In practice, when war was declared against the Axis in February 1945 and against Israel in May 1948, Parliament held secret sittings during which the declaration of war was discussed and decided. The treaties which the King concluded should be submitted to Parliament accompanied with suitable elucidation, and they would not become valid without having received the consent of Parliament. In other words, treaties which were concluded by the executive power represented in the person of its head, i.e. the King,

(1) Majlisu 'sh-Shuyūkh: Mahādiru'l-Jalasāt, S. May 29 & 30, 1950

(2) Sabri: op.cit. pp.524-526

(3) La Bourse Egyptienne, January 21, 1947

(4) 1923 Constitution, Art.46

would not have bound the country or imposed any obligation on the people until after receiving the consent of their representatives. In accordance with this rule the treaty of Alliance between Egypt and Britain, which was concluded and signed by official delegations on behalf of each country on August, 26, was ratified by Parliament on November 14, 1936. Likewise, the treaty of Montreaux which did away with the Capitulations and regulated the position of foreigners in Egypt, and which was signed in May 1937, did not get its validity until after Parliament had approved it the following July.⁽¹⁾ Examples of that character are numerous, but it should not go without pointing out that this principle applied also to international agreements, and therefore Parliament discussed the Charter of the United Nations and approved the government's policy to join that international organisation.⁽²⁾ On the other hand, there were some cases where the representatives of the people were deprived from their right to approve treaties concluded by the executive power. For instance, the agreement reached between the Egyptian and British Governments in 1938, that members of the British Military Mission in Egypt who were organising and training the Egyptian Army should enjoy certain immunities and exemptions, was brought into force without first being submitted to Parliament and getting its consent. It was only because of its being a subject for severe attacks from the Opposition, that this agreement was communicated to Parliament and got its consent in 1940.⁽³⁾

(1) Ghosh: op.cit. pp.102-105

(2) La Chambre des Députés: op.cit. IX - Session extraordinaire, October 1945, SS.1 & 2, pp. 5 et seq.

(3) Al-Ahwani: op.cit. pp.339-341; Sabri: op.cit. pp.558-563

The King had the right to proclaim martial law, a very dangerous prerogative as this system of governing imposed restrictions on public and individual freedoms and rights, and eliminated the working of the guarantees given by the Constitution. This right of the King was bound to the will of Parliament as the declaration of martial law must have been submitted immediately to Parliament, even in an extraordinary session, for confirmation or rejection.⁽¹⁾ At the beginning of the Second World War, according to the proposal of the British Government and Article 7 of the 1936 treaty, martial law was declared on September, 1939 but Parliament did not consider its declaration till its convocation in an extra-ordinary session on the second of October of that year.⁽²⁾ When conditions made the declaration of martial law a necessity in May 1948, Parliament discussed and approved its declaration in the same week it was declared.⁽³⁾ The King proclaimed martial law on January 26, 1952 on the request of the Wafdist Cabinet. Although that Cabinet was dismissed on the same day, the decree proclaiming martial law was brought before Parliament by the new Cabinet and was approved by both Chambers.⁽⁴⁾

It is of some interest to notice that there were no clear stipulations in the Constitution about the situation when martial law was to be declared during the dissolution of the Chamber of Deputies or the adjournment of Parliament. At such times, it might have been difficult or even impossible to convoke an immediate session of

(1) 1923 Constitution, Art.45

(2) Sabri: op.cit. p.528

(3) Majlisu'n-Nuwwāb: op.cit. IX-iv, sittings of May 12 and 18, 1948

(4) Ibid. X-iii, S.11, pp.7-9; The Sunday Times, January 27, 1952; The Times, January 29, 1952.

Parliament; therefore, it was believed that martial law should not be proclaimed under such circumstances. At any rate, there is no precedent of martial law being declared during the adjournment or dissolution of Parliament.⁽¹⁾

The last prerogative the King possessed was his right to create and confer civil and military titles, decorations and other ranks of honour.⁽²⁾

The Committee of the Thirty, when drafting the Constitution, had intended to introduce a restricted right which would ensure that any such creation of honours by the King should be exercised in conformity with certain rules of law laid down by the Constitution; but the governmental committee which revised the Constitution before its promulgation omitted that limitation. Consequently neither the government nor Parliament had any control over their creation or conferment.⁽³⁾

There existed a tendency for the creation and conference of honorary titles to be exercised by the King through his ministers, and that was a reason for conflicts between the Palace and the Cabinet in 1924 and 1937.⁽⁴⁾ Those who adopted this concept alleged that the principles of the non-responsibility of the King, and the responsibility of the Cabinet to the people's representatives were the bases of a monarchical parliamentary system. Therefore, the acts which were not signed by the President of the Council of Ministers and the competent ministers had no effect.⁽⁵⁾ In practice, a Royal Rescript issued in January 1923 regulated the

(1) Al-Ahwānī: op.cit. p.336

(2) 1923 Constitution, Art.43

(3) Sabri: op.cit. pp.544-545; Shafiq: op.cit. p.469

(4) Al-Ahwānī: op.cit. p.337; Saleh: op.cit. pp.368-369

(5) Van de Bosch: op.cit. pp.79 et seq.

rights of both the King and the Cabinet in the matters of conferring honorary titles. According to that Rescript, the King alone, without any participation from the Cabinet, had the right to confer them on foreigners and Royal Court officials, while the Cabinet could recommend their conferment on Egyptian notables and civil servants. The conferment and the creation of ranks, decorations and honorary titles were made by Royal Rescripts, and examples of the practice of these rules are numerous.⁽¹⁾

It is quite apparent from the above mentioned survey of the King's powers and prerogatives that he had a very extensive authority. Not only were the King's powers wide in theory, but also in practice they exceeded the limits prescribed by the Constitution. An important question arises here: What were the reasons for such an extensive authority of the King in theory and practice?

In the first place the Constitution conferred upon the King extensive powers, and it is sufficient to recall here the attitude of the Committee of the Thirty when drafting that Constitution and the fact that it feared the King's rejection of the draft Constitution if it deprived him of much of the power he had enjoyed.⁽²⁾ Moreover, the Constitution itself which was considered the backbone of the parliamentary government in Egypt contained many loopholes through which the influence of the King infiltrated. Frequently one comes across articles in the Constitution which had no precise meaning, and usually these articles were interpreted in such a way as to give the King extra powers.⁽³⁾

(1) Sabri: op.cit. pp.542-544

(2) See Supra Chapter I, pp.47.

(3) Mandūr: op.cit. p.10

The Constitutional parliamentary monarchy was a new system introduced into Egypt; it appeared as a result of the 1919 Revolt which was mainly aiming at freeing the country from the British Occupation. Prior to the introduction of parliamentary government to Egypt any governor who wielded a measure of authority stood high in the esteem of the people; and this fact explains why it was even after a parliament was instituted the mass of the people, who did not have a sufficient chance to become politically conscious and mature still gave their allegiance to the monarch despite his exercised autocracy.

An important factor which encouraged the King in his course of exceeding his constitutional powers, was the fact that a certain group of politicians, not necessarily independents, but party politicians who would influence their respective parties to collaborate with the Palace and its clique, were always at hand whenever they were required. It might have been the personal ambitions of these politicians which induced them to disregard the rules of the Constitution and to follow blindly the policy dictated to them by the Palace.⁽¹⁾ The existence of some pro-Palace politicians and political parties was not sufficient at certain times and the King felt the need to create such a party as the Unionist Party in 1925 and the People's Party in 1930 in order to bring about the reactionary policy of the Palace.⁽²⁾

One would expect that a monarch reputed to possess extensive wealth should have used money as an instrument to maintain and increase

(1) Al-Barāwī: op.cit. pp.127-128

(2) See Supra Chapter I, pp. 51-52 and 62-62a.

his autocracy. It seems that the King had used his authority to accumulate and increase his wealth. King Fuad died in 1936 leaving an estate of 49,300 feddans; and it is rather difficult to assess its origin. However, it was King Farouk who inherited the 15,400 feddans which in the fifteen years during which he reigned over Egypt increased to no less than 96,600 feddans. This figure does not include the land of Wakfs (Endowments) which was placed under his management.⁽¹⁾

Last, but not least, force is usually the natural backing for any sort of violation. Therefore, one would expect that the monarch who violated the rules of the Constitution and exceeded his powers, should have had some kind of this material backing, which seems to have been the army. This theory is strengthened by the fact that it was the army which quelled the police strike, in 1948, which was directed against a government deriving its authority solely from the King.⁽²⁾ Moreover, on January 26, 1952 it was the army which suppressed the masses on that "Black Saturday".⁽³⁾ Here it should be noticed that the interference of the army to restore order did not occur except after receiving personal orders from the King.⁽⁴⁾

This special incident reveals the fact that the King had kept the armed forces as the last resort for suppressing any movements directed against his autocracy. However, it is necessary to notice that the King had secured the support of the army through appointing commanding officers from the ranks which were reputed to bear allegiance and

(1) Bahā' u d-Dīn: op.cit. pp.48-50

(2) A'r-Rāfi'i: op.cit. Vol.III, pp.521-552

(3) Keesing's Contemporary Archives, Vol.VIII, (1950-52) p.12002

(4) The Report of the Prosecutor General about the Cairo Riots, published in Al-Ahrām, March 8, 1952

devotion to the autocracy of the Palace. In Egypt, as everywhere, military service is based on obedience, and once the King was assured of the support of the commanding officers, he would rely on the help of the whole army. As proof of this argument, the differences between the King and the Prime Minister over the person of the Minister of War may be recalled; and the insistence of the King on the creation of the post of the High Commander of the Armed Forces in 1950 when there was a Wafdist Minister of War, and the nomination of a particular person, Haidar Pasha, to occupy that post is to be remembered.⁽¹⁾ Moreover, it is alleged that when the King doubted the loyalty of the army, he formed an "Iron Guard" whose members were not Egyptians, but Africans especially brought from Central Africa for that purpose. The function of that "Guard" was to liquidate so-called hostile elements opposing the King.⁽²⁾

(1) See supra p.191.

(2) The New York Times, October 2, 1952.

CHAPTER IV⁽¹⁾

The Cabinet

It was Article 29 of the Constitution which stipulated that "the executive power shall be exercised by the King within the limits of this Constitution."⁽²⁾ In the foregoing Chapter a study of the sovereign's rôle as the head of the executive power has been carried out. Appointments were made, acts of Parliament were proclaimed, war was declared and treaties were negotiated and ratified by the King. However, since the Monarch, as shown above, was non-responsible, the Constitution provided that he "shall exercise his powers through the intermediary of his ministers."⁽³⁾ Therefore, if the King appeared to be the head of the executive power, it was in accordance with the Constitution which conferred on him that prerogative merely because he was the head of the State. The real executive authority resided in the Cabinet or, as it is usually called in Egypt, the Council of Ministers (Majlisu'l-Wuzarā').⁽⁴⁾

"A Cabinet", said Walter Bagehot, "is a combining committee - a 'hyphen' which joins, a 'buckle' which fastens, the legislative part of the State to the executive part of the State."⁽⁵⁾ The Cabinet in Egypt formulated and carried out all executive policies, it was responsible for the administration of all government

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- (1) This Chapter is mainly based on material gathered through personal investigation.
(2) 1923 Constitution, Art.29, see Appendix I.
(3) Ibid. Art.48.
(4) Osman, A.: Le mouvement constitutionnel en Egypt, pp.105-107.
(5) Bagehot, W.: The English Constitution, p.12.

departments, and it also prepared by far the greater part of the legislative programme. The Cabinet seems to have been the servant of the King, yet it was entitled to advise him on what to do. It also appeared, in theory, the servant of the Chamber of Deputies, yet it led and directed that Chamber. Undoubtedly the Cabinet, and the Prime Minister at its head, exercised extensive power. This power was exercised according to the custom of the Constitution. The really vital points about the Cabinet, however, rest on the constitutional conventions. How would a Cabinet obtain office? When should it resign? What were its powers? What was the relation between the Prime Minister and his Cabinet, between one Minister and another? How many Ministers should be in the Cabinet? And so forth.

The Prime Minister differed from his colleagues in many different ways, such as, for example, the manner in which he obtained and relinquished his office. He was requested by the King to form a government, but he himself issued the invitation to all other members. Again, whenever the Prime Minister vacated his office, that act normally carried with it the resignation of all those who composed the government. In contrast, when any other member of the Cabinet left, the tenure of the remaining ministers was undisturbed.

The freedom of selection of a Prime Minister was not necessarily restricted by the general principle that the leader of the majority in the Chamber of Deputies should hold that office. As a result, not only were coalitions inside and outside Parliament

quite often found without a recognised leader, but Egypt itself was governed for some time without a Parliament at all. Moreover, the failure of the party system to follow the English precedent of two political parties made it extremely difficult for the Prime Minister in Egypt to be, as in Britain, the leader of the majority in the Lower House. Therein lies an explanation of that characteristic phenomenon of the parliamentary experiment in Egypt - Independents having no real support in Parliament, or amongst the people, held on repeated occasions the post of Prime Minister. Only six out of sixteen Prime Ministers were party leaders; consequently, one might claim that these six had the backing of their parties and (1) other political groups with which they might have been in coalition.

That phenomenon, of Independent Prime Ministers, was criticised in the Chamber of Deputies on two occasions. First when Hussein Sirry Pasha formed his Cabinet in August 1941, some Deputies raised the question of the unconstitutionality of an Independent holding that post. (2) Again when Ismail Sidky Pasha came into power in 1946, a similar situation occurred. (3) Without regard to the motives behind that criticism, it is significant to notice that the

(1) The six Prime Ministers were: Saad Zaghlul (1924); Mustafa El Nahas (1928, 1930, 1936-37, 1942-44, 1950-52); Mohamed Mahmud (1938-39); Ahmed Maher (1944-45); Mahmud Fahmy El Nokrashy (1945-46, 1946-48); and, Ibrahim Abdel Hadi (1948-49).

(2) La Chambre des Députés: op.cit. VII-iv, S.71, p.591.

(3) Ibid. IX-ii, S.15, p.155.

Chamber took little notice of it, probably because of the fear of dissolution.⁽¹⁾

Independents not only held the post of Prime Minister, but they also had access to the most important portfolios in the Cabinet. They never attained such positions unless anti-Wafdist coalitions were in power. This was due to the fact that these parties had too few sound personalities to provide enough members worthy of Cabinet rank. Therefore, they had to seek men of capabilities which they themselves lacked, from amongst the Independents. Moreover, in the anti-Wafdist Parliaments, Independent members were of some value in forming a majority for the government.

So firmly established was the custom that Independents participated in anti-Wafdist coalition Cabinets, that the government of Dr. Ahmed Maher Pasha in 1945 was criticised because of the so-called 'barring' of the Independents from ministerial posts.⁽²⁾ In his reply to that criticism the Prime Minister said: "The absence of Independents from the Cabinet is due to the fact that the Independent member expresses a special opinion which, most of the time, is personal. Constitutional governments which depend on the confidence of Deputies, demand the opinions of all members who

(1) The story was circulated in political circles in Egypt that when Sidky Pasha felt a hostile tendency against his Cabinet, he declared that he had already acquired the sanction of the King to dissolve the Chamber of Deputies; but he would not resort to that measure if the Chamber upheld him and voted in support of his government. This incident is not recorded in the minutes of the debates, but one could notice the change in the attitude of the Chamber by the end of the sitting.

See Ibid. IX-ii, S.15, pp.148-155.

(2) Ibid. IX-i, S.4, p.2.

represent the different parties. In normal circumstances, such governments are formed from one political party or more without any recourse to Independents except under very exceptional circumstances; for example, when it is not possible to find a suitable personality representing one or other of the political parties of which the Cabinet is formed. Therefore, there is no prejudice against Independent Deputies, especially as they made their position clear that they have no intention of binding themselves to a definite opinion on any subject. Moreover, when an Independent takes part in a ministerial combination, it is difficult to guarantee that solidarity will always exist between him and other ministers with regard to the general policy to be followed. It is also difficult to guarantee that the policy of an Independent Minister with regard to a definite question will not raise obstacles in the way of the Cabinet in which he takes part."⁽¹⁾

In spite of this blunt and outspoken criticism of their political status, and in spite of their weakening the Cabinet by accepting ministerial portfolios, Independents never missed an opportunity to join the Cabinet. Not very long after the above mentioned statement was delivered in the Chamber of Deputies, the political party (the Saadist), of which Maher was the leader, sought the help of the Independents in filling the seats of the Cabinet.⁽²⁾ This not only shows the political strength of Independents, but also,

(1) Ibid. IX-i, S.6, p.3

(2) Ibid. IX-i, S.10, p.2

and at the same time, illustrates the weakness of the political parties other than the Wafd.

The tenure of Prime Ministers in general, with the exception of the Wafdists, depended on the authority of the King to appoint and dismiss the Cabinet. This viewpoint could be proved by the fact that in their addresses to Parliament on the occasion of their coming to power, these Prime Ministers paid homage and expressed loyalty to the King for charging them to govern the country. If they ever appreciated any support they had from amongst the people or their representatives - who actually according to the Constitution were the source of all powers - the expression of such appreciation came in a less prominent place and with weaker wording. (1)

To estimate the types and methods of governmental leadership is to enter upon a subject where statistical data have little to contribute; it is a problem of evaluation, not of enumeration. Duration in office, age, previous experience are only faint indices of the qualities that enable a man to lead or dominate his fellow politicians and fellow citizens. In Egypt, as elsewhere, Prime Ministers fall into two broad classes: the titular leaders, and the effective leaders. That is a necessary distinction since the power actually wielded by the different holders of the same office varied enormously.

(1) Cf. The address of Hussein Sirry Pasha on the occasion of coming to power in 1940. Ibid. VII-iv, S.4, p.11. The address of Sidky Pasha in 1946, Ibid. IX-ii, S.15, p.148; and his letter to the King accepting the charge of forming a Cabinet, p.149. Also the address of El Nokrashy Pasha in 1946, Ibid. IX-iii, S.5, pp.17-18. Also cf. the address of Hussein Sirry Pasha in 1949, Majlisu'n-Nuwwab: op.cit. IX-v, S.35, p.2546.

If it is the reality and not the semblance of leadership that matters, certain Prime Ministers can straightaway be discarded. In some of the early Cabinets the dominating force, the direction, and the drive emanated from some minister who was nominally subordinate to his chief. Take for example the Ziwar Cabinet, (1925-26), whose real head was the subtle, shrewd and skilful Ismail Sidky Pasha, the Minister of the Interior. Not only did the Prime Minister admit his dependence on Sidky, but also the resignation of the latter shook the Cabinet and could be considered the ultimate cause of its fall. (1)

Another political leader who exercised supreme power from a supposedly inferior position is Saad Pasha Zaghlul. After the results of the 1926 general elections were declared showing the overwhelming majority that the Wafd, led by Zaghlul, had acquired, the King, instead of charging the leader of the majority to form a Cabinet, designated Adly Pasha Yaken to the Premiership. This Premier depended on the support he derived from Zaghlul, who was later elected President of the Chamber of Deputies. The situation followed the same pattern after the resignation of Adly Pasha in April 1927. His successor, Sarwat Pasha, counted on the backing of Zaghlul, and even after the latter's death, the Prime Minister depended on the support he got from the new leader of the Wafd, Mustafa El-Nahas Pasha. In support of this argument, the repercussions of El-Nahas Pasha's attitude towards Sarwat Pasha and his

(1) See Supra Chapter I, pp. 52-54.

Cabinet after the conclusion of the Sarwat-Chamberlain draft treaty are recalled. El-Nahas Pasha's opposition to that settlement of Anglo-Egyptian relations caused the fall of the Sarwat Cabinet.⁽¹⁾

How would a Cabinet vacate its place? In the first place, the Cabinet could either resign of its own free will or be dismissed by the King. The practice by the King of his right to dismiss the Cabinet was the scope of study in a previous part of this work.⁽²⁾ Nevertheless, it should be pointed out that the King never used this right to dismiss a non-Wafdist Cabinet.

The King was not always satisfied with practising his right to dismiss the Cabinet, but preferred to force certain Cabinets to resign. It is said that all of a sudden in 1940 he demanded the resignation of Mohamed Mahmud Pasha. He also called on El Nokrashy Pasha in February 1946, after some internal disturbances, and forced him to tender his resignation. Again, in July 1949 he sent a court official to Ibrahim Abdel Hadi Pasha in the middle of the night to awaken him and announce to him the King's command that he should resign.⁽³⁾ It is important to notice that these Cabinets which were forced to resign under pressure from the King were always non-Wafdist, composed of anti-Wafdist elements who had little support from the people. Since their sole source of power was the autocracy of the King, it would have looked ridiculous for the King to dismiss them.

What were the circumstances under which a Cabinet would resign?

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- (1) See Supra Chapter I, p.55.
 - (2) See Supra Chapter III, pp. 181-183.
 - (3) Bahā'u'l-Dīn: op.cit. pp.34-35.

The conceivable case where a Cabinet should tender its resignation would occur when the Chamber of Deputies expressed no confidence in it. Such an expression could be by a direct vote of no confidence in the Cabinet, or by a vote against an important measure introduced by the Cabinet. In the parliamentary annals of Egypt there is no precedent where Parliament passed a vote of no confidence in a Cabinet; and there is only one instance where the Cabinet resigned in consequence of a resolution passed by the Chamber of Deputies. In 1927 during the discussion of the Budget in the Chamber, some Deputies proposed a vote of thanks to the Cabinet for its efforts in consolidating Bank Misr. There was, however, strong opposition to that proposed resolution, based on the fact that the consolidation of the Bank was a result of a previous resolution passed by the Chamber itself. When the Chamber did not pass the vote of thanks to the Cabinet, the government considered that action as no confidence in itself and resigned.⁽¹⁾ No doubt the Cabinet was over-sensitive with regard to the criticism of the Chamber. It seems that there must have been other causes for that resignation, because practically the same set-up of the Cabinet continued after the resignation, the only change in the new Cabinet being that a new Prime Minister was

(1) Šabirī: op.cit. pp. 582-583. In its comment on the resignation of the Cabinet The Times said: "To none has the result come as a greater shock than to the Chamber itself, which never intended to vote want of confidence but merely in one of its characteristic efforts to impress the country that it was fighting to improve the economic situation" The Times, April 20, 1927.

installed, who, however had been the Minister of Foreign Affairs in the outgoing Cabinet.

In most cases the resignation of the Cabinet in Egypt emerged from causes different from lack of confidence between the government and the governed.⁽¹⁾ Prior to 1936 the British influence was very great in instituting or causing the fall of the different Cabinets. On that point Sir D. Kelly, who occupied a high position in the British Residency in Cairo said: "whether there was a Palace government or a Wafdist government, it depended on the hidden hand of the resident High Commissioner. The question was, on which side would the Residency throw its weight."⁽²⁾ This situation seems to have been the result of the political set-up in Egypt at that time. The only political forces in the country were the Residency, the King, and the Wafd. Although there was a belief that the British interference in the internal politics of Egypt ceased after the conclusion of the 1936 Treaty, it seems that such interference did not really stop. It was revealed in the Chamber of Deputies that the resignation in 1940 of the Cabinet presided over by Ali Maher Pasha was forced by Britain.⁽³⁾

An outstanding feature of Egyptian politics during the period under review in this study was the frequency with which Cabinets were made and unmade. Ministerial crises were continually recurring;

(1) Ra'fat and Ibrāhīm: op.cit. p. 594.

(2) Kelly: op.cit. p. 218.

(3) Abdel Salam El Shazly Pasha, the Minister of Wakfs in the Maher Cabinet, revealed that during the discussion of an interpellation. La Chambre des Députés: op.cit. VIII-i, S.4, pp. 13-14.

resignations, "shakeups" and coalitions constituted the political history of that phase. From 1924 until 1952, i.e. twenty-eight years, the official record of Egyptian Cabinets is not less than forty.⁽¹⁾ On an average, therefore, each remained in office under a year. One of the Cabinets did not survive more than one day. This was El-Hilaly Cabinet which was ousted by the army 'Coup d'Etat' in July 1952. How short-lived Egyptian Cabinets were may be seen from the following table which classifies them according to the length of their term in office.

Length of Term of Egyptian Cabinets.⁽²⁾

Length of Term	Number of Ministries
Under Three Months	8
Three to Six Months	13
Six to Twelve Months	9
Over a Year	10
Total	40

Out of the forty Cabinets only ten survived for more than a year. Only three of them carried on for about two years or a little

- (1) Madkūr and Ghālī: op.cit. p. 125.
The Cabinet presided over by General Neguib, which came into power in September 1952 is included. It is considered that although it continued in power until Neguib's forced resignation in February 1954, it lived only until December 10, 1952, the date of the abrogation of the 1923 Constitution.
- (2) This table is based mainly on the list of governments in Egypt cited in Appendix III of Colombe: op.cit. pp. 330 et seq.

more; the remaining seven were in office slightly over a year. It is striking that those which survived more than a year prior to 1936 were extra-parliamentary Cabinets. They were the Ziwar Cabinet, which was responsible for the first constitutional crisis in 1925; the Mahmud Cabinet, which suspended the Constitution and carried out a 'coup d'etat' in 1928; the Sidky and Yeheya Cabinets, which forced the application of the somewhat reactionary 1930 Constitution; and, the Nessim Cabinet, which governed without a Parliament in preparation for the restoration of the 1923 Constitution.

The cold bare statistics of Cabinet changes conceal as much as they reveal. They do not show the continual shuffling and reshuffling within the Cabinets. Moreover, they do not convey an accurate picture of the continuity of personnel which underlay many mutations. The statistics would be considerably modified if one picked out only those changes which involved substantial differences in personnel. However, the following table shows the numbers of incumbents in Egyptian Cabinets from March 1924 until December 1952.

Number of Holders of Different Portfolios. ⁽¹⁾

<u>Portfolios</u>	<u>Numbers</u>
Interior	19
Foreign Affairs	24
Finance	27
War and Marine	28
Justice	29
Education	23
Wakfs	28

(1) This table is based on the list of governments in Egypt. Ibid. pp, 330 et seq.

<u>Portfolios</u>	<u>Numbers</u>
Public Works	24
Agriculture	30
Communications	31
Commerce and Industry	
(Est. in Dec. 1934)	21
Public Health	
(Est. in April 1937)	16

Thus the average amount of change varied between once in eleven months, and once in eighteen months. This illustrates that few ministers held their portfolios long enough to acquire an informed impression of the quality of their activities, and to judge the success or failure of their policies. Moreover, even where there was continuity of office, it was with different colleagues under different Prime Ministers, and in some cases in different parliamentary coalitions. (1)

The person who was summoned to form a Cabinet, as President of the Council of Ministers, selected his colleagues either from his own party, if he was a leader of a political party having a majority in the Chamber of Deputies, or from his political associates and members of other political parties if he were an Independent, or if the party he led was not strong enough to face the Chamber and the people alone. Usually other Prime Ministers than the two leaders of the Wafd, Zaghlul and El-Nahas, sought their colleagues from amongst other political groups and parties rather than from those to which they belonged. The authority of the King with regard to the appointment of Ministers

(1) Cf. The conditions during 1940 and 1942 and during 1944-49 where there was a kind of continuity in office although weakened by these different factors.

could not be overlooked here. However, since this point has been discussed in a previous Chapter, it is sufficient to point out that the Prime Minister did not have absolute freedom in choosing his colleagues; The King had the decisive word in that matter.⁽¹⁾

The differences in their views and affiliations did not prevent the persons thus selected to the membership of the Cabinet from getting on together and presenting a united front to the opposing factions and parties. Nevertheless, in the political history of Egypt, one could find instances where coalitions collapsed because of dissension inside the Cabinet. The first collapse of that character was in 1925 when divergences inside the Cabinet between the Liberal Constitutionalists and the Unionists were heightened by the crisis of the book on "Islam and Principles of Government."⁽²⁾ The resignation of the Saadist Ministers from the Cabinet in 1940 because of differences with their colleagues on the attitude and policy of Egypt towards the Second World War provides further evidence that differences in political affiliations of members of the Cabinet would cause political instability.⁽³⁾ Moreover, it was said that one of the main causes leading to the resignation of Abdel Hadi's Cabinet in 1949 was the differences inside the Cabinet on the delimitation of electoral constituencies. Again, that same subject and the disagreement within the all-parties coalition Cabinet, were the decisive factors in bringing that coalition to an end in November 1949.⁽⁴⁾ Another incident which illustrates such conditions clearly

(1) See Supra Chapter III, pp.178-180

(2) See Supra Chapter I, p.53

(3) See Supra Chapter II, pp. 115-117

(4) See infra Chapter V, pp. 276-277

is that which took place in March 1952. The difference between the Prime Minister and his colleagues emerged during discussions on the future of the Chamber of Deputies. However, these differences resulted in the resignation of Maher's all-Independents Cabinet. (1)

The usual description of the position of the Prime Minister in the Cabinet was that he was 'primus inter pares.' This phrase was far from doing justice to the Prime Minister. He could not be first among his equals for the very excellent reason that he had no equal. His unique position was asserted by the Constitution in Article 60 which required his signature with any other Minister's to countersign the King's acts. However, it should be kept in mind that the other Ministers were the colleagues of their chief and not his obedient and unquestioning subordinates. (2) A Prime Minister who would try to issue orders to his Ministers or would interfere persistently in their departmental work might find that before long he was out of office. This was a result of the fact that the Cabinet usually comprised different elements which were not ready to yield to the will of the Prime Minister. All Ministers were responsible to the Chamber of Deputies, and while they gladly acknowledged the leadership of the Prime Minister, and while, in fact, they frequently accepted his decisions, they never completely surrendered their individual judgment or responsibility. (3)

(1) The Keesing's Contemporary Archives, Vol. VIII, (1950-52), p. 12097.

(2) Ra'fat and Ibrahim: op.cit. pp. 592-593; Khalil: op.cit. Vol. I, pp. 134-135; Madkur and Ghali: op.cit. pp. 138-139.

(3) Cf. The case when divergences occurred in 1950 between Dr. Zaki Abdel Motaal, the Minister of Finance, and Nahas Pasha, the Prime Minister. The latter insisted on a certain cotton policy to be

Although the Prime Minister was on the same footing as the other Ministers with regard to legal prerogatives, he was really their chief with respect to the shaping of governmental policies and to the co-ordination of the activities of the Cabinet. The best evidence of his holding a controlling position in the Cabinet lies in the fact that after their participation in coalition Cabinets continuously for five years (1944-49), the Liberal Constitutionalists denounced their responsibility for the actions of the different Cabinets during that period on the ground that they did not have any opportunity to preside over the Council of Ministers. (1)

The powers of the Prime Minister were potentially enormous. They sprang from his position of primacy in the government, reinforced either by his leadership of the majority party (as was the case when the Wafd was in power), or by the King's right to dissolve the Chamber of Deputies (as was the case when Independents held the premiership). Therefore, the Prime Minister was the directing force in both the Cabinet and Parliament, and thus presided over the one and guided the deliberations of the other. He sketched the general policy of the Cabinet, determined its agenda and was the major influence in helping it to arrive at decisions. He led Parliament, answered many of its questions and submitted the measures of his government for its approval. (2)

= followed. The Minister of Finance did not agree with that policy and threatened to resign and make the issue of disagreement be known to the public. The Prime Minister retreated and the matter was dropped. Eventually this divergence was the cause of the dismissal of Dr. Motaal.

(1) Al-Ahram, November 4, 1949; Cf. Supra Chapter II, p.134

(2) Khalil: op.cit. Vol. I, pp. 138-141; Madkur & Ghali: op.cit. pp. 137-139. Cf. The case when Nahas Pasha, during his term of

With the exception of Mohamed Mahmud Pasha in his fourth Cabinet (June 1938-August 1939) and Mustafa El Nahas Pasha in his seventh Cabinet (January 1950 - January 1952), the Presidents of the Council of Ministers always held at least one portfolio. This portfolio was usually the Interior, with the result that the Prime Minister was inclined to overemphasize the importance of internal politics at the expense of foreign affairs. It seems that the importance of the portfolio of the Interior originated in the fact that this Ministry had a great influence on local government officials, and directed the general elections. In certain cases, a Prime Minister was not satisfied with one portfolio. He sometimes undertook the responsibility of directing two ministries in addition to his task as Prime Minister. For instance, Aly Maher Pasha in 1936 and 1939 took the helm of the Ministries of the Interior and of Foreign Affairs. So too with Premiers Hussein Sirry Pasha in 1941, 1949 and 1952, Mustafa El Nahas Pasha in 1942 and Mahmud Fahmy El Nokrashy Pasha in 1945 and 1946. What is certain, however, is that the direction of a ministerial department was, in itself, a heavy task; when it was added to the duties and responsibilities of a Prime Minister, it is almost incredible that any one man could stand the resultant strain!

The degree to which the Prime Minister used his colleagues to advise and assist him depended on many factors, the chief of which was purely personal. The most obvious ones to be considered were their

= Premiership (1950-52), very seldom attended the sittings of Parliament. Although that was due to his old age, he was not exempt from the criticism that he was not performing his function of leading the Parliament.

ability and loyalty. A fair proportion of the Cabinet were fairly capable of performing their own departmental duties efficiently but were probably useless as consultants in wider fields of governmental policy. Others did not have the full confidence of the Prime Minister or the respect and full approval of their colleagues. Thus there frequently arose within the Cabinet a small group of two or three ministers who because of ability of various kinds and exceptional personal qualities or characters were highly regarded by the Prime Minister and were consulted by him on all matters of importance.

Occasionally the Prime Minister might have a special colleague whose intimacy made him a friend and almost a partner in the office. Those close relations were not very common, but when they did develop they were apt to create jealousies and antagonisms within the Cabinet. As evidence in support of this argument the split within the Wafdist Cabinet in 1937 which resulted in the dropping from the Cabinet of certain ministers, and ultimately led to the appearance of the Saadist Party, should be recalled. This controversy had some origin, it was alleged, in the jealousy of those ministers of the extensive powers delegated by the Prime Minister, Nahas Pasha, to the Minister of Finance, Makram Ebeid Pasha.⁽¹⁾ When Makram broke away from the Wafd in 1942, Fuad Serag El Din was in the ascendancy. Actually he

(1) Nahas and Makram stood side by side in the Egyptian Revolt in 1919. They were exiled together, and an intimate friendship grew between them. However, that relation was broken off in 1942 and Makram was dropped from the Cabinet and later expelled from the party. On the causes of differences between Nahas and Makram, see Supra, Chapter, II, pp.140-142

did replace him and by 1943, he had become strong enough to hold the important portfolio of the Interior and to enjoy the confidence of the Prime Minister, who sought his advice and help whenever he so required. An analogy to the relation between Nahas and Makram could be found between Dr. Ahmed Maher Pasha and Mahmud Fahmy El Nokrashy Pasha.⁽¹⁾ When the former became Prime Minister in 1945, it looked as if El Nokrashy was his partner in the office.

It has been indicated that it was the Prime Minister who chose his colleagues. Nevertheless, his freedom of choice was restricted by the King's authority to object to the Premier's suggestions. The practice by the King of his power to appoint his Ministers and to reject the Prime Minister's choice of his colleagues has already been discussed.⁽²⁾ The wide authority of the King to appoint his Ministers seems, however, to have emanated from the theory that the Ministers represented the King (who was the head of the executive power, but was non-responsible) in Parliament, and at the same time represented Parliament to the King. Therefore, if Parliament had the right to a vote of confidence in the Cabinet, the King should have the freedom to appoint to the Cabinet whomsoever he wanted.⁽³⁾

The point of interest now is the powers of Parliament with regard to the Prime Minister's choice of his colleagues. Theoretically

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- (1) Maher and El Nokrashy participated in the nationalist movement in 1919. They were accused of the assassination of Sir Lee Stack in 1924, but, both were acquitted. They broke away from the Wafd and formed the Saadist Party.
- (2) See *supra* Chapter III, pp. 175-180
- (3) Ra'fat and Ibrāhim: *op.cit.* p. 589.

the Ministers were responsible to Parliament, and if that body did not approve the appointment of any Minister, that person should resign. In practice, however, the only incident when the nomination of a Minister induced both chambers of Parliament to criticise the inclusion of certain individuals in the Cabinet was in 1941 when Rashwan Mahfuz Pasha became the Minister of Commerce and Industry. A Deputy from the Opposition, Mahmud Soliman Ghannam, said:

"The President of the Council of Ministers should, in choosing Ministers, take in consideration the resolutions passed by Parliament. During the sitting held on June 19, 1939, on the occasion of the discussion of an interpellation related to the actions of Rashwan Mahfuz Pasha, who was then the Minister of Agriculture, the Senate declared the following:

"The activities of the former Minister of Agriculture with regard to the subjects forming the interpellation constitute a serious neglect of his duty and his responsibility in his capacity as Minister." (1)

In spite of Ghannam's urging the Chamber not to accept such a situation, and arguing that Ministers should be of solid character and integrity to raise the reputation of the Cabinet beyond any suspicion, the Chamber approved the composition of the Cabinet. Although this criticism did not have an immediate effect, it seems that it might have been one of its repercussions that Rashwan Mahfuz Pasha was dropped from the Cabinet in the first shuffling about a month later.

(1) La Chambre des Députés: op.cit. VII-iv, S.57, p.491.

Although it was not constitutionally provided that a Minister should be a member of Parliament, it was the custom that he was chosen from amongst members of Parliament. If it happened that a Minister was appointed, and was not a member of Parliament, he was designated to fill the first vacancy in either of the Chambers of Parliament. In such a case, however, nomination to the Senate was the usual procedure. It looked peculiar that the Wafdist Cabinet which was formed immediately after the Wafd had swept the general elections in 1950 included six Ministers out of eighteen, who were not members of Parliament. The common practice was that Cabinets were comprised of Ministers who did not have seats in Parliament. So established was this practice that when in 1941 a Cabinet was formed from amongst members of Parliament, Hassan El Guiddawi said in the Chamber of Deputies:

"That is the first time that a Ministry has selected all its members from amongst members of Parliament. If the Cabinet has deviated from that principle in the beginning, it has done so in reliance on a precedent. Nevertheless, by virtue of sound parliamentary traditions, it is representatives of parties who should assume the responsibility of power."⁽¹⁾

It seems that the principle that Ministers should be members of Parliament was an outcome of the article in the Constitution which provided that "the Ministers are collectively responsible to the

(1) Ibid. VII-iv, S.71, p.590.

Chamber of Deputies for the general policy of the government and each is individually responsible for the acts of his ministry."⁽¹⁾ Since the tradition was that Ministers should be members of Parliament, this meant that they should acquire the qualifications of being members of Parliament. Qualifications required in a Deputy were not so severe as those required in a Senator. Therefore, a Minister should possess, at least, the qualifications required in a Deputy, which may be summed up in that he should be of the minimum age of thirty years and should possess all political rights.⁽²⁾ In addition a Minister should be honest and incorruptible. This is the most elementary qualification required in a minister. He should not only possess this qualification but should also show evidence of possessing it.⁽³⁾ Moreover, the Constitution clearly provided that only

(1) 1923 Constitution, Art.61

(2) Khalil: op.cit. Vol.I, p.158. About the qualifications of Senators see infra Chapter VI, pp.322-324 and of Deputies, Chapter VII, pp.387-388

(3) To discuss the effectiveness of that qualification and the extent of its observance is to enter into a wild field of discussion and argument. However, it seems necessary to point out that many accusations against different Ministers were circulated, but they were never brought before the courts or before Parliament. The only case where Parliament took some action with regard to such accusations was when Makram Ebeid Pasha accused the Wafdist Cabinet and Ministers of corruption and dishonesty. Parliament discussed an interpellation about some of these accusations, and voted in confidence of the Wafdist Cabinet. See supra Chapter II, pp.141-142 and infra Chapter VII, p. In 1945, a Ministerial Committee was established to investigate these accusations. It presented its report to the Chamber of Deputies which formed a parliamentary committee to examine and report on it. La Chambre des Députés: op.cit.IX-iv, S.25, p.2. However, there was no further procedure from either the Chamber or the Cabinet. Moreover, it should be noted that all these accusations and actions were the outcome of partisan jealousies, and they were all motivated by that spirit.

Egyptians were eligible for ministerial posts, and that members of the Royal family were not entitled to such posts.⁽¹⁾

It is interesting to notice that a Minister, being a member of Parliament, could leave behind his capacity as a member of the Cabinet and participate, as a member of Parliament, in any discussion going on in the chamber to which he belonged. This was the case when Mahmud Soliman Ghannam Pasha, the Minister of Industry and Commerce took part in the discussion in the Chamber in 1950 on the validity of the mandate of one of the Deputies.⁽²⁾ Moreover, Ministers had the right to attend the sittings of either of the two chambers, and were entitled to speak, defend their departments and express the Cabinet's attitude on any subject. This was a practice contrary to the British tradition which does not allow Ministers to attend any parliamentary sitting unless they are members of that House. However, although Ministers in Egypt could speak in either of the two chambers of Parliament whenever they so demanded, they did not have the right to cast their votes except in that chamber of which they were members.⁽³⁾

The size of the Cabinet changed from time to time. The first Cabinet under the 1923 Constitution comprised ten portfolios: the Interior, Foreign Affairs, Finance, War and Marine, Justice, Education,

= Under the new régime of government which abolished the Constitution, suspended parliamentary life and dissolved political parties, politicians of the older system were tried and condemned on charges of corruption and dishonesty while holding ministerial posts. Although some of these charges were soundly proved, one should not count too much on them, since it seems that the motive behind them was to show these politicians as unfit to govern the country.

(1) 1923 Constitution, Arts. 58-59.

(2) Majlisu'n-Nuwwab: op.cit. X-i, S.9, pp.38-39.

(3) 1923 Constitution, Art.63.

Wakfs, Agriculture and Communications. In December 1934 a new portfolio of Commerce and Industry was established, and in April 1936 that of Public Health was created. The Ministry of Social Affairs was founded in 1939. During the War, there was a necessity for the establishment of the Ministries of Civil Defence and of Supply. The former disappeared with the War coming to an end, while the latter by virtue of the shortage of supplies of food and clothing, continued to be a portfolio within the Cabinet. Other two Ministries were created in 1950: the Ministry of National Economy and the Ministry of Municipal and Rural Affairs.⁽¹⁾ In June 1952 a Ministry of Palace Affairs was established in order that its occupant should act as a mediator between the Cabinet and the Palace.⁽²⁾

The creation of new Ministries was the result of the growth of different departments. When one department or more grew in importance because of its functions or the increase of the number of civil servants attached to it, or because of the development of social, economic or political conditions, it was transformed into a Ministry. Social conditions induced the expansion of the Department of Public Health, in the Ministry of the Interior, into a Ministry. The growing importance of various departments in the Ministries of Finance, Foreign Affairs, and Commerce and Industry forced the creation of the Ministry of National Economy. Since the Ministers were the heads of the various departments constituting the different

(1) Colombe: op.cit. pp.338, 342 and 352; Khalil: op.cit. Vol.I, pp. 155-156.

(2) The Daily Herald, July 1, 1952.

Ministries, the creation of a new Ministry caused many arguments. These were due to the insistence of some Ministries on maintaining their old authority over some departments which were designed to constitute the new Ministry. On the other hand, the Minister who held the new portfolio was eager to extend his powers to these departments.

In addition to those Ministers who held portfolios, the Cabinet contained, in certain cases, Ministers without portfolio. They were called Ministers of State (Wuzarā³ Dawlah). Although they had no regular office to work in, and had no departments to administer, they were members of the Cabinet and received remuneration equal to that received by those Ministers who held portfolios.⁽¹⁾ The presence of⁽²⁾ Ministers without portfolio in the Cabinet was due to varying reasons. For instance, the presence of six Ministers having no definite function in the all parties coalition Cabinet presided over by Hussein Sirry Pasha in 1949 was due to his attempt to give the different political parties equal representation in the Cabinet.⁽³⁾ In other cases the presence of a Minister of State in the Cabinet was due to the fact that for a variety of reasons the person of that Minister should be honoured. A Minister, for example, might not have sufficient ability to warrant giving him a portfolio, yet his appearance in the Cabinet would provide partisan representation. This was the case when Raghib Hanna Bey was appointed Minister of State in 1945. A Minister, too might be usuaually able and experienced, but no longer

(1) Sabri: op.cit. pp. 589-591.

(2) Cf. Khalil: op.cit. Vol. I, pp. 151-152.

(3) Notice that these six Ministers were: two Independents, a Wafdist, a Saadist, a Liberal Constitutionalist, and a Nationalist. Colombe: op.cit. p. 350.

capable of meeting the heavy demands of departmental work. The only aim of appointing Ahmed Lutfy El Sayed Pasha, Minister of State in 1946 was to benefit from his experience and talents despite his advanced age. Not very long afterwards, however, he undertook the burden of the Ministry of Foreign Affairs. A Minister might be very competent, but wished nothing more than to sit in the seats of the mighty and be available for administrative duties as was the case when Mohamed Aly Allouba and Ibrahim Abdel Hady were appointed Ministers of State in the Maher Cabinet in 1939. Moreover, the appointment as Minister of State was a kind of test of the ability and talents of those who held such positions. This seems to have been the case with the appointment of Dr. Mohamed Hashim, a Minister of State in 1949. He was called to administer the Ministry of the Interior during the 1950 general elections. Showing success in that task, the subsequent ministerial post he held was the portfolio of Finance in 1952.

Although all Ministers, contrary to the British practice which differentiates between Junior Ministers and Cabinet Ministers, were members in the Cabinet and were theoretically on an equal footing, a hierarchy existed in the Cabinet, in fact if not in law. The Ministry of the Interior had tremendous political importance because whoever held that portfolio controlled the 'Umad and local government officials whose influence on elections was paramount. Moreover, with the 'secret police' and the 'political police' under his discretion, the Minister of the Interior could obtain information about every

activity, even every breath, of his political opponents and rival parties. The Minister of Foreign Affairs enjoyed great prestige because whoever held that portfolio was constantly engaged in framing and carrying out the foreign policy of the country. The importance of the portfolio of Foreign Affairs reached its apex when differences between Egypt and the United Kingdom appeared. At such times the Minister of Foreign Affairs was busy attempting to reach a settlement with Britain. Indeed, at such times the Prime Ministers themselves, usually held that portfolio. That situation, however, was result of the importance of nationalism and the rôle it played in the recent history of Egypt. The Ministry of Finance came next, because although credits were voted by Parliament, funds were actually provided by this Ministry.⁽¹⁾ It is well known that finance is the key to all administrative and legislative possibilities. The Ministries of Education, of Public Works, and of Communications were also important because they comprised a large number of civil servants. Moreover, the Minister of

(1) See the comment of Ibrahim Abdel Hadi on the Budget of the Ministry of Commerce and Industry in 1941. He mentioned that the Ministry of Finance planted handicaps before the Ministry of Commerce through delaying the release of the funds devoted to that Ministry. *La Chambre des Députés: op.cit. VII-iv, S.31, pp. 245-246.*

See also the comment of Abdel Salam Gomaa Pasha on the legislation providing for the elimination of the tax on exceptional profits. He said: "When I was the Minister of Commerce and Industry I suffered from the authority the Minister of Finance had over the Ministers, because he was a dictator. I noticed that after the Budget was approved by the Chamber of Deputies and the Senate, some of its items were marked not to be released except after the authorisation of the Minister of Finance" *Majlisu'n-Nuwāb: op.cit. X-i, S.22, p. 13.*

Education commanded University students and school boys who played an effective and important part in political activities in Egypt.

The importance of the different ministries could be assessed from the type of personalities who held them. It is noticeable that those who held the Ministry of the Interior were, in general, the Prime Ministers. If a Prime Minister failed to hold that portfolio for one reason or another, it was the person second to him who got it. The Minister of the Interior was usually considered the strong man in the Cabinet.⁽¹⁾ Although Prime Ministers occasionally held the the portfolio of Foreign Affairs, its importance could not be neglected. Usually those who occupied that post were astute politicians. They might be former Prime Ministers or former Ministers who had a previous outstanding political record.⁽²⁾

There would be no better evidence of the existence of a hierarchy in the Cabinet than the occasion when the Liberal Constitutionalists

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- (1) In 1925 it was Sidky Pasha who held that portfolio and not the Prime Minister. See supra Chapter I about the position of Sidky in the Cabinet. In 1938 when the Prime Minister did not hold any portfolio, it was El Nokrashy Pasha, the Vice-President of the Saadist Party, one of the coalition parties, who held that post. Again in 1940 the Prime Minister, Hassan Sabry Pasha, left that portfolio to El Nokrashy. When Fuad Serag El Din became the Minister of the Interior in 1943, it was a sign of his political ascendancy. Ahmed Mortada El Maraghy was considered, politically speaking, a strong Minister when he held the portfolio of the Interior in the successive Cabinets of Aly Maher, El Hilaly and Hussein Sirry in 1952.
- (2) Cf. Abdel Fattah Yehya Pasha, a former Prime Minister, holding that portfolio from December 1937 to August 1939. Cf. also the personalities of those who held that portfolio afterwards. For the sake of illustration: El Nokrashy (1944-45); Abdel Hamid Badawy (1945-46); Ahmed Lutfy El Sayed (1946); Ibrahim Abdel Hady (1946); Ibrahim Desouky Abaza and Ahmed Khashaba (1948-49). They all had previous experience in holding less important portfolios, and did not reach the position of Minister of Foreign Affairs until after they had struggled for their political career and shown efficiency and aptitude.

decided not to participate in Aly Maher's Cabinet in 1939. They declared that their decision was made because the invitation they had received was not encouraging. That view was based on their estimation that the portfolios they were offered were not those which they considered important.⁽¹⁾

Now, what were the functions of a Minister? To enumerate these functions one should carry out a detailed study of the different departments which the Minister controlled. The Minister, first of all, was the head of the departments he supervised, and was responsible to Parliament for their functions and activities. Therefore, the prime function of a Minister was to control all the departments and administrations composing the Ministry he held, and these were scattered all over the country. He directed them to follow, in their functioning, the general policy formulated by the Cabinet of which he was a member. This function of the Minister was exercised through issuing instructions and circulars.⁽²⁾ These instructions and circulars had their direct effect on the civil servants to whom they were issued. Those civil servants were obliged to follow them; otherwise they were held to be guilty of disobedience to their seniors. Although instructions and circulars did not imply any immediate effect on the people, they had, through their application by the civil service, indirect repercussions on them.

(1) Great Britain and the East, Vol. LII, No. 1474, p. 199.

(2) Instructions were orders, either written or verbal, issued to a particular civil servant; circulars were issued to a whole group of the civil service, and usually were in written form.

This function of the Minister was the most important, since a Minister in a parliamentary system should not administer the details of his departments, but should leave that type of work to the permanent Under-Secretary of State and other high ranking officials who exercised their duties under the Minister's control. In short, the business of the Minister was not to control the detailed work of his departments, but to see that they functioned properly.⁽¹⁾ Actually, a Minister in Egypt was not satisfied with only directing and controlling his departments, but insisted on participating in the real work of these departments. Therefore, the layman who observed this situation was very critical of the system which he felt was leading to chaos. It was particularly difficult for a layman to understand how a politician who was by profession a lawyer, a doctor or a college professor, could become an expert in the many fields that he presided over. It was difficult for the layman to conceive, for example, how a lawyer could manage to work the Ministry of Public Works with all its diverse departments, or the Ministry of Finance with its various activities which were beyond the understanding of the common man.

The existence of that situation, however, was due to the impact of the older system which had prevailed in Egypt prior to the introduction of parliamentary government. That system of government was based on the appointment of Ministers who were experts in their fields. No wonder therefore, that there had been for a long time a general custom of appointing Ministers who were specialists in the fields of

(1) Al-^cArabi, M.^cA.: "Iṣlāḥu'l-Idāratī'l-Hukūmiyah fī Miṣr," pp. 492 et seq.

the departments they supervised.⁽¹⁾ This custom contradicted the principles of parliamentary government, and would usually produce only complications in the working of the Cabinet and the administrative machine. First of all, while Parliament might have been able to furnish, here and there, an outstanding authority on a special subject or activity - and he would be worthless as an expert unless he was outstanding - one would scarcely expect that on the side of the government in Parliament there would be experts in agriculture social affairs, transport, and in a dozen other fields as well. To place a member of Parliament who was a third or fourth rate specialist at the head of a Ministry because he was supposedly an expert, and to give this "pretender" the absolute authority to control those who were really masters in their fields, i.e. the permanent civil servants, would not merely be useless, it would be utterly disastrous. An "amateur" Minister of first-rate capacity was in large measure more dependable and safe because he knew he was technically ignorant, and he was therefore willing to seek and take the advice obtainable. The third or fourth rate specialist would not adequately comprehend the extent of his own ignorance and would continually set up his judgment on technical matters against the opinion of his advisers. A Minister, however, should possess some specialised talent rarely associated with

(1) That custom was first noticed in 1939 in Aly Maher's Cabinet. In that Cabinet experts were appointed to supervise the different departments coming within the sphere of their specialisation. For example, Abdel Kawy Ahmed, an engineer, was appointed Minister of Public Works; Mohamed Tawfik Hifnawy, an agriculturist, Minister of Agriculture; Dr. Hamid Mahmoud, a medical doctor, Minister of Public Health; and Saleh Harb, an army officer, Minister of National Defence (War).

the professional work of any particular department.⁽¹⁾ Moreover, it seems that the custom of appointing experts in the ministerial posts was one of the main reasons which induced the different Prime Ministers to select their colleagues from outside Parliament.⁽²⁾

The Minister was competent to organise the departments which he controlled. He had the authority to establish new departments and to define the function of each of these departments. Ministers went far in practising this function; and the first action of some of them after holding a portfolio was often to demolish all that their predecessors had established. This was a factor in causing instability in the administrative machine. It was due to the partisan spirit and individual ambitions which induced Ministers to seek all means to secure praise.⁽³⁾

Another function of the Minister was to countersign all the King's acts which were relevant to the departments he supervised. All laws, decrees and bills had no legality unless they were countersigned by the competent Minister. This rule was established by the Constitution which provided that "the acts of the King in relation to State affairs must, to be effective, be countersigned by the President of the Council of Ministers and the Ministers concerned."⁽⁴⁾ The Minister, with the help of his technical assistants, and particularly

(1) Madkur and Ghali: op.cit. pp.127-131.

(2) Cf. The case of the six Ministers in the Wafdist Cabinet in 1950 who were not members of Parliament. It was said that they appointed to the portfolios they held because they were specialists in their fields.

(3) Ra'fat: op.cit. pp.449-450.

(4) 1923 Constitution, Art.60.

of the legal counsellor, ⁽¹⁾ prepared all bills and decrees required for the working of his departments. That was an indispensable step before any legislation was brought before the Council of Ministers.

The Minister also decided on the different matters brought before him which were relevant to his departments. It is important to notice that a system of centralisation was adopted in Egypt. Therefore, no official had the authority to decide on any matter without consulting his superiors, and ultimately the administrative head of the Ministry, i.e. the Minister. The result was that a tremendous burden was laid on the shoulders of the Ministers. They made the decisions on different problems referred from different districts and parts of the country. The Ministers, therefore, could not perform such a task successfully. No matter how experienced, talented and energetic a minister was, the files he had to study before taking decisions on different matters would take up more time than he could afford to spend. No wonder then, that since inefficiency was, generally speaking, the characteristic feature of the Ministers in Egypt, outcries were often raised for greater authority for high ranking officials, if not for the application of decentralisation. ⁽²⁾

Being the administrative head of the departments he supervised, the Minister had the right to appoint, promote, transfer and dismiss civil servants. In addition to those posts which were, as indicated

(1) Prior to 1946 when the Council of State was established, there was a Counsellor for every Ministry in the State Legal Services. After 1946, these Counsellors became members of that Council.

(2) Madkur and Ghali: op.cit. pp. 214 et seq.; Allūbā: op.cit. pp. 134-135. Cf. Khalil: op.cit. Vol. I, pp. 128 et seqs.

before, filled by the King, there were also certain high ranking officials who were appointed, promoted, transferred and dismissed by the Council of Ministers. However, the Ministers practised that function with regard most civil servants. This function of the Minister might appear natural since he was the administrative chief of the Ministry and was responsible before Parliament for the actions of the civil servants attached to that Ministry. Ministers were not only charged with administrative functions; they were also politicians dependant for their position on their party members, constituents, and associates who usually expected that the Ministers would help them and their relatives to attain governmental posts and to obtain promotions. Ministers were often questioned and even interpellated in Parliament because they did not meet the requests of members of Parliament for such favours. Therefore, it is no wonder that nepotism spread through government departments. (1)

In every Ministry, a 'Cabinet of the Minister' (Maktabu'l-Wazir) was found. It consisted of a number of civil servants headed by the 'Director of the Cabinet'. In some cases a Minister had more than one 'Cabinet.' He had an administrative or technical 'Cabinet' and a political one. He had absolute freedom to choose those civil servants who would be attached to his 'Cabinet,' especially the

(1) In 1924 when the anti-Wafdists criticised Saad Zaghlul because of his attitude in filling the governmental posts with his associates, Zaghlul said: "I, if I could, would like to make it all Zaghlulist in flesh and blood."

The work of Makram Ebeid Pasha in 1942 (The Black Book) contained numerous cases of nepotism where he proved that appointments were made and promotion were conferred on civil servants because of their relation to, or with, Wafdist Ministers.

"Director of the Political Cabinet" who usually acted as the Minister's private secretary in the political domain.⁽¹⁾ The scope of the Minister's choice was not limited to the civil servants attached to the departments he supervised; it extended to other departments. So important was it that those working in the Minister's Cabinet should enjoy his confidence, that they were usually replaced by others whenever the person of the Minister changed. These 'Cabinets' were of great importance because they provided the Minister with technical advice on different subjects and brought to the notice of the Minister matters which required his decision. It is interesting to point out that these 'Cabinets' enjoyed prestige and authority in governmental circles. This prestige was derived from that of the Minister to whom they were attached; thus it fluctuated in strength according to the influence of that Minister in the Cabinet.

In a few cases a Parliamentary Under-Secretary of State helped the Minister. Parliamentary Under-Secretaries were appointed for the first time in 1936. Since there was no provision in the Constitution about their status, and the electoral law exempted only the Ministers from the rules of incompatibility, a decree defining their functions was issued, and the electoral law was amended. A parliamentary under-secretary was designated to help the Minister to whose portfolio he was attached, to represent him in Parliament, and to take part in the preparation of all bills and parliamentary activities relevant to the Ministry to which he was attached.⁽²⁾ The appointment of parliamentary

(1) Notice should be taken that a 'private secretary' acting in the full sense of the term was attached to the 'Cabinet' of every Minister.

(2) Ra'fat and Ibrāhīm: op.cit. pp.489-491; Šabrī: op.cit. pp.591-594

under-secretaries was criticised on the basis that it originated in England where the Minister is only allowed into the House of Parliament of which he is a member, and a parliamentary under-secretary of State, who should be a member of the other House, is indispensable as he represents the Minister and defends his policies in that latter House. In Egypt where Ministers had the right to attend sittings of both Chambers of Parliament, parliamentary under-secretaries would not contribute to the political system but only would complicate it. Their functions would be identical with those of the Ministers and the permanent under-secretaries. Moreover, the existence of the posts of parliamentary under-secretaries would cause competition among members of Parliament; and in filling them the Cabinet would be influenced by partisan spirit.⁽¹⁾

Parliamentary under-secretaries of State were appointed only by the Wafdist Cabinet in 1936 and 1950. Attention should be paid to the fact that they were not members of the Cabinet. However, despite all criticism, it seems that their appointment was a successful move. Not only did they help the Ministers in facing Parliament, but they proved to have benefited from their posts by making good Ministers in the following years.⁽²⁾ Therefore, if the system of parliamentary under-secretaries had done nothing more than produce efficient Ministers, it seems that it would have contributed tremendously to the system of government in Egypt.

(1) Madkūr and Ghālī: op.cit. pp. 133-134; Allūbā: op.cit. p. 135.

(2) All four parliamentary under-secretaries of State appointed in 1936 became Ministers in the following years. It was the same with the parliamentary under-secretary appointed in 1950; he became a Minister in 1951.

Ministers did not only function individually, but they also had collective functions which they practised in the Council of Ministers. They decided individually on minor matters, but if the issues were of some importance or were relevant to more than one Ministry, it was the Council of Ministers which was competent to decide on them. Before proceeding with a study of the functions of the Cabinet, it seems important to point out that the deliberations of the Ministers in their Council were secret. This would lead to difficulties whenever the actual responsibility for a decision was to be ascertained. It seems that since the Council of Ministers made its decisions as a whole and was jointly responsible to Parliament, the determination of responsibility of individual Ministers was not necessary. The result, however, was that one or more Ministers were forced to resign at inopportune times when they disagreed with the majority of their colleagues on an important issue.⁽¹⁾ Moreover, depending on the secrecy of the deliberations, Ministers felt free to voice their opinions without reserve on all subjects which came up for discussion; the motives which influenced the Cabinet in coming

(1) The resignation of the Liberal Constitutionalist Ministers in 1925 from the Ziwari Cabinet, and in 1928 from the Nahas Cabinet is recalled here. See *supra* Chapter I, pp. 53 & 55-56. Also the resignation of the Saadist Ministers in 1940 from the Sabry's Cabinet is recalled; see *supra* Chapter II, pp. 116-117. All these resignations were the outcome of differences between this group of Ministers and their colleagues in the Cabinet. Moreover, the resignation of the Wafdist Block Ministers in 1946 when they differed with the Saadists and the Constitutionals provides more evidence. This divergence was on the policy of the Cabinet towards the achievement of the national demands and its policy towards some demonstrations of students which resulted in some casualties.

to its decisions were not disclosed. The secrecy of these deliberations were, generally speaking, preserved although some unscrupulous or careless Ministers were the source of occasional leakages.⁽¹⁾

The most serious incident where the secrecy of the deliberations of the Council of Ministers was not observed was in 1937. In that year, the Wafdist Prime Minister took the opportunity of the coming of age of King Farouk to resign and re-form his Cabinet after dropping three Ministers.⁽²⁾ His motive was his desire to maintain ministerial harmony. One of these three ministers, Mahmud Ghalib Pasha, issued a statement in the newspapers showing that the real motive behind the elimination of him and his colleagues from the Cabinet was that they had threatened to resign their ministerial posts if the scheme for the electrification of the Aswan Dam was carried out in the manner which had been suggested in the Council of Ministers. In this statement, and in order to re-inforce his arguments, Ghalib Pasha disclosed the details of the deliberations in the Cabinet on that matter.⁽³⁾

The outstanding duty of the Cabinet was to furnish initiative and leadership, to provide the country and Parliament with a national policy and to devise means for coping with different needs and

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- (1) Cf. The case when in 1937 Makram Ebeid Pasha, the Minister of Finance defended his position against some allegations that the Ministry of Finance was opposing the new arrangements for the salaries of teachers. He held a Press Conference and in explaining his viewpoint he disclosed some of the deliberations in the Council of Ministers. Ra'fat and Ibrāhim: op.cit. p. 493.
- (2) See supra Chapter II, p.107-108
- (3) Ra'fat and Ibrāhim: op.cit. p. 493; Al-Ahrām, August 11, 1937.

emergencies. Minor matters were the concern of the departments affected, and the Minister who supervised them could, alone, decide on them; but as the importance or scope of the issue increased, it became more and more a matter for the whole Cabinet which, after long deliberations and discussions decided on the policy of the government. Although the Cabinet held at least one meeting every week, such important issues of policy very rarely appeared on its agenda. A glance at the decisions it took and the subjects it discussed shows that the Cabinet did not pay much attention to the general policy of the government. On the contrary, it busied itself with less important matters on which individual Ministers could have acted. It neglected its fundamental function of framing the policy of the country and proceeded to act on such subjects as appointing, promoting, transferring and dismissing civil servants, leasing government property for a nominal rent to benevolent associations, the confiscation of newspapers, ... and other innumerable subjects. (1)

One should wonder about the causes of the inefficiency of the Cabinet to provide general policies for the country to meet the deteriorating social and economic conditions. First of all, it seems that the party system in Egypt had much to do in causing the inefficiency of the Cabinet in that sphere. Political parties, as shown before, never had solid social or economic policies; whether in power or in opposition the parties attracted the people with sugary promises which were never seriously meant. In the second place, the fact that
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(1) Cf. Madkūr and Ghālī: op.cit. pp.146-148

1924 and 1952 coalition Cabinets, with not only members of different political parties, but also Independent participants, were continually in control of the country adds up to the causes of that inefficiency of the Cabinet. If it was difficult for one political party, such as the Wafd,⁽¹⁾ to enforce a social or economic policy of its own, it was impossible for coalition parties to decide on policies to satisfy the different inclinations and interests of these parties. The short life of the different Cabinets was another factor. The Cabinet in Egypt lived, not as in other parliamentary countries subject to the control and supervision of the people and their representatives who alone should decide on its future, but under the threat of being dismissed or forced to resign.

This does not mean that the Cabinet did not sketch, discuss and present to the country and Parliament some policies. There were policies of education, social welfare, rural development, public health, and many other policies, but generally speaking, these policies lacked serious research. There is no better evidence for this argument than the "five years plan." This plan was initiated by the Cabinet in 1946. Despite the criticism in Parliament that the scheme as presented by the Cabinet was not comprehensive and was merely a collection of some public works which the Budget could not
face

(1) After the breakdown of the Wafdist-Constitutionalist coalition in 1928, the Wafd refused to participate in coalition Cabinets except that of Sirry Pasha in 1949 which was supposed to run the general elections. This coalition Cabinet did not last more than three months. Apart from that, the Wafd insisted on coming to power with an all Wafdist Cabinet.

when in its normal shape, Parliament accepted the plan. However, after four years the execution of the plan proved to be a failure. In its report in 1950 the Committee of Finance in the Chamber of Deputies attributed that failure not only to the inefficiency of the administrative machine, but also to the fact that the plan and the estimates required for its execution were not considered on bases of scientific and accurate research.⁽¹⁾

It is important to notice that the Cabinet had the right, according to the Constitution, to assume the King's powers and to exercise them in the name of the Egyptian people and on its own responsibility in the period following the death of the King until his successor or the Regents took the oath.⁽²⁾ This was the case when the Maher Cabinet acted in the place of the King in 1936 after King Fuad I had died and in 1952 after the abdication of King Farouk.⁽³⁾

Besides its executive duties, the Cabinet had some legislative functions. These functions involved the close relations which existed between the Cabinet and Parliament and particularly between the Cabinet and the Chamber of Deputies. Only one side of this relation will be considered here, namely, the influence of the Cabinet on the Chamber; the other side, that is to say, the ways in which Parliament questioned, attacked and criticised the Cabinet will be discussed in the following Chapters.⁽⁴⁾

(1) The report of the Committee of Finance on the execution of the five years plan, cited in Majlisu'n-Nuwwāb: op.cit. X-i, S.29, p.65.

(2) 1923 Constitution, Art. 55.

(3) See supra Chapter III, pp.156-157

(4) See infra Chapters VI and VII.

Cabinets were made and unmade not in consequence of conflicts between Parliament and these Cabinets, but, as was indicated, as a result of the working of some other factors. However, when a new Cabinet was formed, it had to appear before Parliament and declare its policy to the representatives of the people. If the formation of the Cabinet was the consequence of general elections, this explanation of policy composed the main body of the Speech from the Throne on the occasion of inaugurating the new Parliament.⁽¹⁾ When a new Cabinet came into power during a parliamentary session, the Prime Minister in addressing each of the two Chambers of Parliament expressed the policy of his government. This address was usually followed by a discussion in the Chamber on the position of the new Cabinet.⁽²⁾ Such discussions developed, in certain cases into a vote

(1) About the Speech from the Throne, see *infra* Chapter VII, pp. 429-433.

(2) Cf. The case when Sirry Pasha formed his first Cabinet in 1940 after the sudden death of his predecessor, Hassan Sabry Pasha. In spite of the fact that this occurred at the beginning of the parliamentary session-Sabry Pasha actually died while reading the Speech from the Throne - Sirry Pasha laid an emphasis on the policy of the new Cabinet. *La Chambre des Députés*: op.cit. VII-iv, S.4, p. 11. There are other cases where such addresses were delivered and discussions on them took place. See *Ibid* VII-iv, S.57, pp. 490-499 on the occasion of the reshuffle of the Cabinet; and S.71, pp. 589-591 on the occasion of the formation of the second Cabinet of Sirry Pasha in 1941. See also *Majlisu'n-Nuwwāb*: op.cit. IX-v, S.38, p. 2546 and S.39, pp. 2663-2665 where Sirry Pasha on his coming to office at the head of the all-parties coalition Cabinet in 1949 explained the policy of his Cabinet. Similar situations were found when Sidky Pasha formed his Cabinet in 1946; *La Chambre des Députés*: op.cit. IX-ii, S.15, pp. 148-155. When El Nokrashy succeeded Sidky Pasha in December 1946, he outlined the policy of the new Cabinet. *Ibid* IX-iii, S.6, pp. 17-24. Also Ibrahim Abdel Hady Pasha gave an address in 1948 in the Chamber sketching his policy, *Majlisu'n-Nuwwāb*: op.cit. IX-v, S.9, p. 157. So too with Aly Maher Pasha when he came to power in 1952. *Ibid* X-iii, S.11, pp. 2-4.

of confidence in the new Cabinet being taken in the Chamber.⁽¹⁾

It is interesting to notice that in 1946 when Sidky Pasha presented the policy of his government, to the Chamber of Deputies asking its confidence, two theories emerged about the constitutional status of the Cabinet, and whether it was vested with all power and authority prior or after acquiring the confidence of the representatives of the people. Makram Ebeid Pasha preached that since the confidence of Parliament in the Cabinet meant giving a mandate or conferring powers on the government to allow it to practise its functions and duties under the control of Parliament, the new Cabinet should not be considered installed before the Chamber had voted confidence in it.⁽²⁾ In opposing this theory, Aly Bey Ayoub explained what was meant by a vote of confidence in the Cabinet, and showed that the Constitution and the Standing Orders of the Chamber would be violated if that theory was accepted.⁽³⁾ The Chamber, nevertheless, did not pass any resolution with regard to these conflicting points of view.

All governmental bills were the joint product of the Cabinet and the civil service. The initial inspiration or impulse might have originated with an individual minister or the Cabinet. Although a good deal of government measures were drawn up by the permanent civil servants, a governmental bill was never presented to Parliament without the approval of the Cabinet. There is no need to emphasise again that the King had an upper hand with regard to the presentation

(1) This was the case when the Chamber discussed the address of Sidky Pasha in 1946. *La Chambre des Députés*: op.cit. IX-ii, S.15, p. 153.

(2) Ibid. p. 153.

(3) Ibid. p. 154.

of governmental bills to Parliament. Governmental bills were numerous and exceeded in their importance those initiated by private members. The influence of the Cabinet over Parliament to enforce the passage of its measures characterised the working of both the Cabinet and Parliament. Moreover, the private members' bills which found their way through Parliament, were approved by the Cabinet, or at least there was conviction that the Cabinet did not object to them, before they were passed in Parliament. (1)

With regard to the responsibility of the Cabinet and Ministers, it should be noticed that it was the Constitution which provided that "the Ministers are collectively responsible to the Chamber of Deputies for the general policy of the government and each is individually responsible for the acts of his own Ministry." (2) This rule of the Constitution established the political responsibility of the Cabinet and its members before the Chamber of Deputies. Although the Senate did not have the extensive authority of the Chamber given by its vote of confidence in the Cabinet, the Upper House practised some control over the executive by addressing questions and interpellations to the Cabinet and Ministers. How far both Chambers succeeded in practising their rights to control the executive will be shown in the following Chapters. However, the domination of the Cabinet on Parliament and its members was obvious. Parliament failed to exercise an effective control over the Cabinet, and very seldom was the Cabinet faced, in any of the two Chambers, with criticism of its policy or administration. (3)

(1) These points will be elaborated in the following Chapters. See *infra* Chapter VI, pp. 347 and Chapter VII, pp. 404 et seq.

(2) 1923 Constitution, Arts. 60.

(3) See *infra* Chapter VI, pp. 361 et seq. and Chapter VII, pp. 433 et seq.

Although the Constitution provided for a Special Court of Justice to try Ministers impeached by Parliament,⁽¹⁾ these constitutional provisions were never in practice. Moreover, the bill which the Wafdist Cabinet intended to present to Parliament in 1930 and which provided for certain criminal responsibility of the Cabinet proved to be an abortive measure.⁽²⁾ After the refusal of that bill by the King, there was no attempt, even by the Wafd, to revive it, and the constitutional rules of the impeachment of Ministers continued to be in force.

Now one should wonder about the reasons of the domination of the Cabinet. First of all, members of Parliament were induced to follow a moderate rather than extreme course on matters of Cabinet policy by the knowledge that the government could bring the parliamentary term to an abrupt close. This condition was manifest in the case of anti-Wafdist Cabinets. A mere hint of the possibility of dissolving the Chamber of Deputies had a marked effect on any member of Parliament who had shown signs of restiveness. On the other hand Wafdist Cabinets usually resorted to the party organisation and used the majority the party commanded in Parliament to overcome any difficulty. Whether there was a Wafdist Cabinet or not, the weakness of Parliament encouraged the successive Cabinets to enjoy a wide authority.

(1) 1923 Constitution, Arts. 66-72.

(2) On that bill see supra Chapter I, p.60, and Chapter II, pp. 103-104

However, although the Cabinet was dominating the representatives of the people, the King had the upper hand in directing the Cabinet. If the Cabinet threatened the Chamber with using the King's right of dissolution, the King possessed within the reach of his hand the right to dismiss the Cabinet.

The study of the functions and working of both Chambers of Parliament, it seems that since there is a strong connection between the electoral system and Parliament, (1) an examination and survey of the electoral system according to which members of that representative body were elected, is necessary.

After the promulgation in April 1923 of the Constitution, which provided for a Parliament elected by the people (Arts. 74 and 82), there was nothing of greater importance to be settled with regard to the working than such questions as who should be permitted to vote, how the elections should be conducted, and the electoral constituencies to be adjusted. Since these matters would obviously have required re-adjustment from time to time, the Constitution laid down only the broad lines and the main principles of the electoral system, leaving the elaboration of such details to ordinary legislation.

The Committee of the Thirty which undertook to draft the Constitution, however, along with stipulating in the Constitution for the principle of universal suffrage, (Arts. 74 and 82), expressed the view that because of the social conditions prevailing in the country and the standard of education among the people, it was

(1) Vinay: op.cit. Vol. II, p. 934.

C H A P T E R V

The Electoral System

The principal symbol of representative institutions in Egypt was Parliament. Therefore, before proceeding with the study of the functions and working of both Chambers of Parliament, it seems that since there is a strong connection between the electoral system and Parliament,⁽¹⁾ an examination and survey of the electoral system according to which members of that representative body were elected, is necessary.

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(1) Finer: op.cit. Vol. II, p. 924.

preferable that an indirect electoral system should be adopted.⁽¹⁾ Therefore, the electoral law which was promulgated on April 30, 1923, stipulated that every male Egyptian should have a vote once he reached the age of twenty-one. The vote of the people, however, was for the selection of another group of citizens, namely, delegates who in their turn elected members of Parliament. The system was that every thirty voters selected from amongst themselves, a delegate. The mandate of delegates was five years and no one under the age of twenty-five years could be selected as a delegate. These delegates formed the body competent to elect the members of the Chamber of Deputies.⁽²⁾ Here it should be pointed out that this electoral law required the age qualification only in both electorate and delegates.⁽³⁾

This electoral law did not live long as Parliament passed another which was promulgated on July 29, 1924 (No. 4 of 1924). Although it was suspended and dispensed with, at times, this new electoral law, which introduced a direct electoral system, continued to be, with slight changes every now and then according to the needs of the time, the one in operation.

(1) Sabry: Le pouvoir executif et le pouvoir legislatif en Egypte, pp. 96-97; 'Id: op.cit. pp. 39-40.

It is worth noticing that Art.89 of the Constitution which provided for the regulations to be followed in case of the dissolution of the Chamber of Deputies referred to "the invitation of delegates to hold new elections." (See Appendix I). The use of this word, delegates, indicates that the intentions of the Committee of the Thirty were tending to the establishment of an indirect electoral system. Moreover, in spite of the different changes introduced into the electoral law founding direct electoral system, this word, "delegates," was never changed or omitted from the Constitution.

(2) In the case of the election of Senators, every five delegates were to select one of themselves, of a minimum age of thirty years. These latter delegates were entitled to elect Senators. A'r-Rāfi'i op.cit. Vol. I, pp. 117-118.

(3) 'Id: op.cit. pp. 40-41 & 45.

The first real blow which this electoral law suffered was in 1924 after the resignation of Zaghlul's Cabinet. The new Cabinet presided over by Ziwar Pasha, and supported by the Liberal Constitutionalist Party and the newly formed Unionist Party, rescinded that electoral law and restored the older one. The restoration of the indirect electoral system was because of the common belief which prevailed that the direct elections were in favour of the Wafd since the masses of the electorate were its supporters.

As one technique may not produce what is intended, or may do so with waste of energy and resources, and may even have results which are meant to be avoided, that blow against the direct electoral system did not stop at this stage. The newly elected Chamber of Deputies which was elected according to the indirect elections, was dissolved on the very day of its first convocation, and preparations started for a new election to be held with the aim of securing a majority for the Government. The researches of the Government and its study of different electoral systems resulted in a new system being adopted for Egypt. Although this system, which was established by a decree promulgated on December 8, 1925, did not come into operation, it was the basis on which the electoral law promulgated with the Sidky Constitution in 1930 was framed.

This new electoral system raised the age qualification of the voter to thirty years, and gave the privilege of reducing this age to twenty five to certain classes of people: proprietors of real property on which a minimum tax of £E.1 was levied; proprietors who let their property for a yearly rental value of £E.12 or more; persons who

lived with their families or occupied for the practice of their professions a house whose annual rent was at least ££12; tenants of cultivated land on which a minimum annual land tax of ££12 was levied; and, those who had finished their secondary school study.⁽¹⁾

The application of that electoral system would have resulted in the creation of class distinctions and discriminations, and of a representative body mainly embracing rich and privileged people and their interests. Moreover, the electorate would have been very small as a result of raising the age qualification. This point was the scope of much and bitter criticism as it meant that a proportion of the adults in the country could not have any political rights under the same conditions which recognised them of being of full age in relation to civil rights and required their participation in military service.⁽²⁾

The second blow directed against the electoral system of 1924 establishing direct election came with the newly introduced Constitution of 1930. It has been previously mentioned that this Constitution aimed at re-enforcing the executive power at the expense of and minimizing the authority of the people and their representatives; and it seems that the electoral law (No. 38 of 1930) which accompanied that Constitution was framed on the same lines to serve the same ends. In the explanatory note to the 1930 Constitution, it was stated that: "The Cabinet tries to retain the principle of universal suffrage, as it finds it the means through which the electorate could gain some

(1) ^cId: op.cit. p. 42.

(2) Ibid: p. 45.

political instruction. Yes, it is the function of the voter to elect a delegate and not the Deputy as this is the concern of the delegate; but by taking part in the election, the voter will raise his standard and will come to know what the delegate knows. To be sure that the delegates are drawn, on the whole, from categories which are best able to judge the qualifications of candidates, it has been decided that it is not sufficient for them to be the choice of a certain number of voters - and consequently the best of them - but the conditions and requirements in connection with their position in life, their standard of living, and their standard of education, which indicate their right judgment and honest choice, have been laid down.⁽¹⁾ Therefore, the minimum age of the elector was raised to twenty-five years and some property and educational qualifications were required of the person to entitle him to have a vote.⁽²⁾

Although, apparently on the surface, this could be considered as a means of raising the standard of the electorate and of improving the representative system and institutions, it actually, at the same time, limited the number of people qualified to vote and entitled to participate in choosing the government. In other words, it was an attempt to deprive the people of the natural right they usually enjoy in a democracy, namely the right to govern themselves for their own good; and to create a kind of representation which was hoped to result in representative bodies capable of coping with the pro-Palace

(1) Majlisu'n-Nuwāb: A'd-dusturu'l-Miṣri wa Qanūnu'l-Intikhāb, (October 22, 1930,) p. 35

(2) Ibid, pp. 73 & 79- Hocking: op.cit. p. 151; Qanūnu'l-Intikhāb Raqm 38 Li Sanat 1930, Arts. 1 & 20.

and reactionary tendencies of the Cabinet. This electoral law was similar to the first one of 1923 in stipulating for an indirect electoral system. Every fifty of the enrolled voters were entitled to elect a delegate, and these delegates to elect members of Parliament.⁽¹⁾

Democracy is most fully realised when the largest possible number of persons share directly or indirectly in the determination of public policy. Therefore, an important question has to be faced: Who is to be entitled to participate and vote in the elections, and upon what terms? Voting is an ancient device, but the terms upon which persons were allowed to vote, and the manner in which the vote was cast varied widely. The right to vote developed from being an attribute of citizenship in the Greek and Roman institutions, to being considered a privilege associated with the individual's status in society. Suffrage was regarded as being a prerogative of those who held property in the Middle Ages. According to the theory of modern political science, voting is considered to be a function of government, and the voter, in casting his ballot, performs a public office.⁽²⁾

The electoral law which was restored in Egypt in 1935, with the restoration of the 1923 Constitution, was largely based on the principle that "every sane male citizen has a natural right to participate in the government; this right is normally represented by the right to vote for the representative bodies, and that all are entitled to equal votes, no more, no less,"⁽³⁾ "making the right of

(1) Ibid. Arts. 19 & 25.

(2) Shepard, W.J.: "Suffrage," p. 447.

(3) Finer: op.cit. Vol. I, pp. 402-403; Cf. Bryce: op.cit. Vol. I. p. 180.

election a function no longer of property or class but of personality."⁽¹⁾

Every Egyptian male acquired the right to participate in electing members of the Chamber of Deputies once he reached the age of twenty one.⁽²⁾ This age seems to be a reasonable one, as it enabled the man who had attained adulthood and the privileges of maturity to assume the responsibility of voting.⁽³⁾ The right to vote was the means through which the voters expressed their will by designating those who would constitute the legislature, as well as by passing judgment on the different policies put forward during elections. Therefore, it could be said that elections were official opportunities provided for recording the public will on political matters.

Although no property qualifications were required to get a vote, the necessity of imposing certain limitations upon the formation of the electorate is apparent. Certain categories of people were disqualified from voting. Persons convicted of felony were debarred for periods ranging from five years to a life-time deprivation of electoral rights according to the type of felony committed. Convicted smugglers, for example, were debarred for five years; those condemned for forgery or desertion from military service for fifteen years; and those convicted of a serious crime, for life. Naturally, lunatics

(1) McIver: op.cit. p. 199.

(2) Qānūnu'l-Intikhāb, Art. 1; To participate in electing Senators, one should be twenty five years at least.

(3) Cf. ^cId: op.cit. pp. 75-77.

and idiots were disfranchised during the time of their illness.⁽¹⁾
 All these exclusions from the body of the electorate were "built on the simple ground that the attainment of a best self is, in any sense implicit with social meaning, impossible."⁽²⁾

The electoral rights of officers and soldiers of the armed forces on active service, were suspended for the duration of their service.⁽³⁾ The reason given for the deprivation of members of the armed troops of their electoral rights as being the necessity of avoiding their indulgence in political differences,⁽⁴⁾ is not convincing. Since the function of the electorate should be higher than the mere choice between two or three broad alternatives put before it in the form of candidates,⁽⁵⁾ it seems that the precedent of the United Kingdom of conferring electoral rights on "naval and military voters,"⁽⁶⁾ should have been followed in Egypt especially after the imposition of obligatory military service.

One striking feature of the electoral law was that only males were entitled to vote and choose representatives entitled to govern. This was a clear deprivation of half the population, the feminine half, of the right to vote. In other words, using Aristotles terms,

(1) Qānūnu'l-Intikhāb, Arts. 4 & 5.

(2) Laski: A grammar of politics, p. 312.

(3) Qānūnu'l-Intikhāb, Art. 6.

(4) Id: op.cit. pp. 86-87.

(5) Representation of the People Act, 1918, Section 5, pp. 5-6.

(6) Finer: op.cit. Vol. I, p. 173.

women were considered non-political animals. It might have been the line of thought that voting was a privilege and not a right, that resulted in the fact that women had no power to possess or practise any political right; and so far as the right to vote was concerned they were classed with idiots, imbecils and criminals.⁽¹⁾ Parliamentary assemblies are said to represent the whole body of citizens, considered as equally entitled to representation, and miniaturized in the electorate;⁽²⁾ but, surely the deprivation of women of their right to vote distorted that picture and caused the incomplete representation of the country by the electorate especially at a time when it was taken "for granted that popular control should be as wide as possible and that free universal suffrage is unquestionably desirable."⁽³⁾

It could be said that the suffragettes in Western countries did not succeed in attaining their political rights until after the rapid social evolution which followed the First World War. This success was a natural reaction to the fact that women had taken their place in the working corps, replacing men workers in different industries, undertaking various kinds of work in ministries and offices, and participating without any hesitation in any kind of work. Consequently, since the Egyptian nation was just at the beginning of such a social evolution, and Egyptian women had not effectively participated in the social progress of the country, there might be some justification for

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- (1) Cf. Bryce: op.cit. Vol. I, pp. 54-55, where he shows that the new generations consider the electoral franchise a natural right.
 (2) Finer: op.cit. Vol. I, p. 393.
 (3) Dimock: op.cit. p. 101.

were entitled, under certain conditions, to have votes. The Constitution was ambiguous, or even silent, about the right of women to vote and could be interpreted in such a way as to satisfy and approve of the claims of the Egyptian feminine movement.⁽¹⁾ In Article 23, the Constitution proclaimed that, without making any distinction of sex, the people were the source of sovereignty and that all powers emanated from them. Moreover, in Articles 12, 13 and 14, it protected and guaranteed individual freedoms, and again without any prejudice against either of the sexes. That is why it was believed that granting women their political rights required only the amendment of the electoral law. In addition to that constitutional interpretation, Human Rights have entitled every person to freedom and equal rights with no distinction because of sex.⁽²⁾

Some opposition to women's political rights in Egypt was based on the fact that women are usually greater in number than men; consequently, if they were given a vote, according to democratic principles they could dominate representative institutions and would gain the upper hand in political manoeuvring.⁽³⁾ A glance at the estimates of the population classified according to sexes, shows that the excess in the number of females had not been so great as to

(1) El-Emary: op.cit. p.3.

Alṯ Zaky El Uraby Pasha, in a proposed legislation presented to the Senate in 1947 voiced a view that the deprivation of women of their political rights was unconstitutional because it was not within the lines of Article 3 of the Constitution which had not discriminated between both sexes. This view is cited in Mitwalli, 'A.H.: Muḥādarāt 'An Mushkilati Islāh Nizāmu'l-Intikhāb fī Mīsr, pp. 30-31.

(2) Universal declaration of Human Rights, Art.2 (Approved by the United Nations General Assembly in Paris, December 10, 1948).

(3) 'Id: op.cit. p. 74.

frighten men from feminine domination in political life.⁽¹⁾ It is true that because of woman's natural gift of a longer life-span than man's, of their endurance and resistance to illness and disease, and their passive rôle in wars, they are usually greater in number than men. But this fact did not cause any deprivation of women of their political rights in European countries where the disproportionate sex ratio is more acute. It is interesting to notice here that in the countries where women have the right to vote, the proportion of feminine abstention from voting is greater than the masculine. Moreover, in spite of the political rights granted to women which are equal to those of men, it is noticed that their participation in

(1) The estimates of the population did not show any remarkable difference between the number of males and females. The following table shows the relative figures for election years since 1927.

Year	Males	%	Females	%	Year	Males	%	Females	%
1927	7,106,000	49.7	7,169,000	50.3	1942	8,600,000	49.9	8,627,000	50.1
1929	7,266,000	49.8	7,330,000	50.2	1945	8,932,000	49.8	8,991,000	50.2
1936	7,853,000	49.8	7,922,000	50.2	1950	10,141,000	49.6	10,298,000	50.4
1938	8,127,000	50.0	7,126,000	50.0					

Sources: Almanac 1946, p. 26; 1947, p. 27; 1949-50, p. 35.

governmental appointments is still very infrequent and that the political direction is still a masculine monopoly.⁽¹⁾ Therefore, it is quite safe to say that according to precedents in other countries, Egyptian men fearing the overwhelming influence and political power of Egyptian women if they were granted their political rights were unnecessarily alarmed and ought not to have exaggerated their fear of women as active political participants.

The main reason for the vigorous opposition to women's political rights when a claim for them was being made, was the allegation that Islam, which according to Article 149 of the Constitution was the official religion of the State,⁽²⁾ does not permit women to participate in political and public life. This idea is disputed, and had been, and still is the centre of many discussions. The pros and cons are purely religious and all disputing groups have been giving evidence and proofs in support of their views.⁽³⁾

The scope of this work does not comprehend the discussion of these opinions. It is important, however, that one should consider the attitude of and the ideas and reasons which influenced those who opposed the legitimacy of women's political rights and that in spite of the fact that women had previously participated in public life, had taken part in every nationalist movement after the end of the First

(1) Duverger, M.: "Rapport general sur la participation des femmes a la vie politique," pp. 3 & 8 et seq.

(2) See Appendix I.

(3) Ittiḥādū Bintu'n-Nīl: Al-Kitābu'l-Abyad Li-huqūqi'l-Mar'ati's-Siyāsīyah, contains these different views.

World War, had shared seats with men in different schools and faculties of the universities, and had joined the civil service in various branches and departments.(1) One should emphasise here that religion ought not thus to have stood as an insurmountable obstacle in the way of the evolution and development of the country especially after the precedents established in Islamic countries, such as Turkey and Syria;(2) and that "the liberal and rational mind could not help in the long run, admitting the right of women to political power."(3)

And last but not least, "female disenfranchisement arose out of no consideration of woman's need to participate in political activity, but out of the general special position of women as determined by sexual passion, family life and religious tenets."(4) In various countries where women have succeeded in making their way into political and public life, they have found opposition, as Egyptian women have, because of the belief that a woman's place is the 'home'; and that since the man is, or should be the head of the family and the

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- (1) El-Emary: op.cit. p. 4, mentions that women in Egypt participated in every kind of work. Some of them occupied high positions in the civil service, as well as on university staffs. According to 1950 statistics, female students in the universities numbered 1,500; and in different schools 500,000. Women occupied in the teaching profession were 26,000; in connection with medical services 3,000; in the judicial domain 150; in commerce 5,000; and, in industry 11,000. Besides, some were working in aviation and laboratories of research whose numbers were not given.
- (2) Tukey adopted the universal suffrage system in 1934; about the political status of Turkish women, see Celikbas, F.: "La participation de la femme à la vie politique en Turquie," Syria granted the women their political rights in 1950, about that see Zahida, H.P.: "The political rights of women in Syria."
- (3) Finer: op.cit. Vol. I, p. 152.
- (4) Ibid. p. 412.

lord of the woman, women are represented in politics by their husbands and fathers.⁽¹⁾ In spite of such opposition which varied in its strength in different States, the enfranchisement of women has been accepted in most Western countries. Therefore, those who insisted on the exclusion of Egyptian women from the political arena had no solid grounds for their arguments since, as indicated above, neither the Constitution nor religion debarred women from enjoying their political rights. In fact they were of the category which Professor J. Laird described as "anyone who defends the 'natural' political subjugation of women is far more likely to be voicing a prejudice than to be enunciating a law of nature flouted by his contemporaries."⁽²⁾

Clearly then the electorate was composed of all Egyptian males of twenty-one years old or more, and did not include the above mentioned categories. Practically, it was formed only of those persons who came within the boundaries of the electoral law on condition that their names were on the electoral register.

It was the business of the State to see that every qualified person was registered in the proper constituency, and to keep the lists up to date with meticulous care and thoroughness. Committees, each composed of three members, actually under the influence of the administrative authority, in every village and city were charged with the duty of compiling and revising the lists of electors. The influence of the administration, especially the Ministry of the

(1) Odegard, P.H. and Helms, E.A.: American politics, a study in political dynamics, p. 375.

(2) Laird, J. The device of government, p. 27.

Interior, was quite apparent since the Umdah of the village was chairman of the committee ex-officio; and no one could deny the inter-relations between the Umad and the Ministry of the Interior to which they were attached. Moreover, one of the two members was appointed by the Ma'mūr (the police commandant of the district to which the village was attached), who, also, had the right to appoint a person to deputise for the Ma'dhūn⁽¹⁾ i.e. the other member, in case of his absence. In cities attached to the Governorates,⁽²⁾ the influence of the Ministry of the Interior was even clearer. The chairman of the committee was the commandant of the police of the district, i.e. the Ma'mūr, and both members of the committee were appointed by the Governor.⁽³⁾

In December of every year the Committees revised the lists by adding the names of those who had newly acquired the qualifications for having a vote, and those who had been overlooked in the previous revision; and by removing the names of the dead and the disqualified.⁽⁴⁾ A man with more than one place of residence, could choose the place at which he would vote; no one was permitted to vote in more than one constituency and not more than once.⁽⁵⁾ The electoral lists, which

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- (1) The Ma'dhūn is a religious official appointed by the Ministry of Justice to perform marriage and divorce procedures.
- (2) The administrative division of Egypt has been to Governorates (Muhāfazat) which have numbered five and have been governed by Governors appointed by the Ministry of the Interior, and to Mudiriyyāt.
- (3) Qānūnu'l-Intikhāb, Art. 7; Ayrout, H.H.: Moeurs et coutumes des fellalabs, pp. 53-54, gives an account about the positions of these officials and their influence on the mass of the people.
- (4) Qānūnu'l-Intikhāb, Art. 7.
- (5) Ibid. Arts. 2 and 3.

had to include the full names of the electors, their professions, ages and addresses in alphabetical order, were placed on exhibition in every village, town and district of the big cities. This exhibition which lasted from the first to the fifteenth of January every year, was meant to give anybody who had been missed, a chance to discover and report that fact, as well as any other error that might have been noticed.⁽¹⁾ Appeals for any correction or modification of the lists had to be handed in writing to the Governor or the Mudīr⁽²⁾ not later than the end of January. Special Committees presided over by the Governors in the Governorates, and the Mudirs in the Mudīriyāt, and composed of a judge and a member of the parquet adjudicated on these appeals by the fifteenth of March in every year.⁽³⁾

That was the procedure for arranging the electoral lists. It is obvious that there were insufficient guarantees that the lists would be drawn up in an impartial way, since the Ministry of the Interior, which was not beyond suspicion, had its representatives on every committee in connection with their preparation.⁽⁴⁾ The abuse of the authority of the administrative representatives can be proved by the fact that the electorate in 1938 jumped to 3,003,326 showing an increase of 882,849; something then accepted as a natural consequence of the 1937 census which had proved an increase in the population. But in 1942, the electoral register showed that the electors' number

(1) Ibid. Arts. 10 & 12.

(2) The Mudīr is the administrative head and director of a Mudīriyah (Province). He is one of the high ranking civil servants attached to the Ministry of the Interior. About his status, see, Ayrout, op.cit. p. 53.

(3) Qānūnu'l-Intikhāb, Arts. 12 & 13.

(4) Ibrāhīm, W.: "Ma' Alladhī Yurādu bi Qānūnu'l-Intikhāb."

dropped sharply to 2,234,647 which was a figure nearer to that of the electorate in 1936.⁽¹⁾ Later, that increase in the number of voters in 1938 was linked to the influence of the Ministry of the Interior, which in order to achieve a certain objective of the Cabinet, namely to bring about a proposed and planned result of the elections, added to the lists some imaginary persons and the names of some dead people, and even repeated the registration of others.⁽²⁾ This example along with the criticism of the electoral register in March-May, 1952 by the different political parties which was the grounds on which the proposed general elections were postponed,⁽³⁾ shows up and proves the defects in the system of preparing electoral lists. One can, therefore, suggest that the preparation of electoral registers and their yearly revision should have been entrusted to an independent institution over which none of the ministers nor the Cabinet could have exerted any influence.

Since the Constitution stipulated that every 60,000 inhabitants were represented by a Deputy,⁽⁴⁾ members of Parliament in Egypt were elected by voters grouped in constituencies arranged on a geographical basis. According to the Constitution, the division of the country

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- (1) Figures obtained from the Department of General Elections and Secretariate, Ministry of the Interior, Cairo. Cf. Šabri: Al-Qānūn al-Dustūrī, p. 718. For detailed figures showing the changes in the number of the electorate see Table No. I, Appendix No. II, p. 486.
- (2) Id.: op.cit. p. 120; Bahā'u'd-Dīn: op.cit. p. 34.
- (3) Al-Ahrām, April 28, 1952.
- (4) 1923 Constitution, Art. 83. The electoral constituency eligible to elect a Senator was composed of 180,000 inhabitants; Art. 75.

into electoral constituencies and their demarcation should have been determined by law.⁽¹⁾ However, "a constituency is not such a community with a distinctive unity of its own. Constituencies are now strips of territory in which so many voters live, and their boundaries are always being readjusted so as to give representation by population."⁽²⁾ Therefore, it seems that the Constitution necessitated the re-appointment of electoral constituencies by a law to guarantee impartiality in that matter, since such rearrangement was frequent and followed the change in the number of the population; and to avoid the probability of abusing such power so as to weaken an opposing political party by dispersing its adherents, if that re-distribution of seats were left in the hands of the executive power.⁽³⁾

In all the elections held in Egypt after the restoration of the 1923 Constitution in 1936, electoral constituencies were fixed by the Cabinet, or even by the Minister of the Interior, without any participation or control from Parliament.⁽⁴⁾ No one could try to

(1) Ibid. Arts. 76 & 84. It is interesting to notice that the re-appointment of electoral districts and constituencies in Britain is by an Act of Parliament and have occurred very seldom at very irregular times. In the U.S.A. legislatures are the only competent authority to alter congressional districts and according to the American Constitution a re-appointment must be carried out after every decennial census. In France there is a distribution at least every five years. Ogg, F.A.: European governments and politics. p. 170.

(2) Corry, J.A.: Democratic government and politics, p. 174.

(3) Ibid: op.cit. pp. 164-165.

(4) Ibid, pp. 162-163; Haykal, M.H.: Mudhakkirah Tafsiriyyah 'an Tafsiri'd-Dustur fi Tatbiq Mawaddihi 76, 79 & 84, pp. 1-2.

defend the different Cabinets responsible for the delimitation of electoral constituencies through this unconstitutional process, by the allegation that their actions were simply directed to the general good of the country and the desire to attain a true and real representative body. It is not easy to overlook the repercussions of the re-distribution of electoral constituencies in 1938 by the Minister of the Interior. It resulted in deep feuds and controversies between political parties to the extent that the Wafd criticized, and even accused the Cabinet of acting in defence of the interests of the political parties co-operating with it.⁽¹⁾ No better proof can be advanced to illustrate the vital nature of the re-demarcation of electoral constituencies and its effect on the results of the elections than the fact that differences about the delimitation of electoral constituencies in preparation for a forcasted election were some of the main factors leading to the collapse of the Saadist-Constitutionalist coalition in 1949. Moreover, such differences were the main reason for the failure of the all-parties coalition Cabinet and its resignation in the same year.⁽²⁾

The object of the re-appointment of electoral constituencies "is to keep electoral units (in terms of the number of votes) substantially equal, so that a vote will count for as much in one place

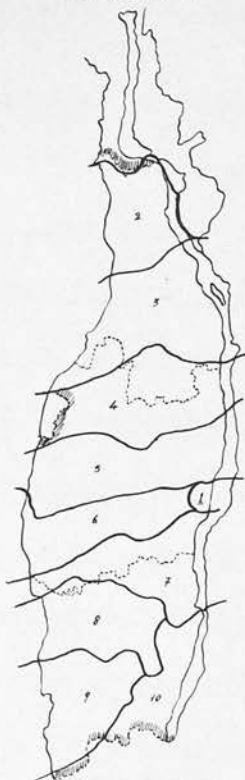
(1) ^cId: op.cit. p. 165; The Times, March 18, 1938; Cf. Great Britain and the East, Vol. I. No. 1398, p. 273.

(2) A'r-Rāfi'i: op.cit. Vol. III, pp. 286-287; Keesing's Contemporary Archives, Vol. VII, (1948-1950), p. 10126. La Bourse Egyptienne, July 26, and November 3, 1949.

Beni Suef 1938



Beni Suef 1962



Beni Suef 1945



Beni Suef 1950



as in another, and such equality (at least a reasonable approximation of it) seems to most people an indispensable condition of true democracy."⁽¹⁾ Therefore, if the re-appointments of 1938 and 1950 could be accepted as attempts to fulfil the object of the re-adjustment of electoral constituencies after the declaration of the results of the general censuses of 1937 and 1947, no justification of the re-appointments of 1942 and 1945 can be found except in the desire of the executive to attain certain results.

The facing plate shows the changes of the electoral divisions which one of the provinces in Upper Egypt endured between 1938 and 1950. The choice of this particular Province, Bani's-Swayf, is due to the fact that its population had not been increasing so sharply as other provinces and governorates.⁽²⁾ A glance at the plate shows the instability in the formation of electoral constituencies, and the disregard paid to the historical boundaries, administrative divisions and physical features.

It is well known that the elections of 1938 and 1945 were run by anti-Wafdist governments, the 1942 elections by a Wafdist government, and, the 1950 elections by a neutral one. Therefore, one should expect the changeable results of these different electoral re-appointments. In that province, in the 1942 elections, five Wafdist

(1) Ogg: op.cit. p. 170.

(2) The population of that province, according to the 1937 census was 561,312. It became 613,365 in 1947 showing a rate of increase of the population in the particular part of the country as 9.3 per cent for every ten years; while that rate of the whole country was 19.8 per cent. Almanac 1949-50, pp. 4, 10 & 1.

candidates did not face any contest, while they themselves, did not participate at all in the 1945 elections. The changes in the results of the two constituencies No. 5 and No. 6, which had undergone many changes, are of some interest. The anti-Wafdist candidate (Saadist), in the former constituency secured his seat in the Chamber of Deputies with a majority of 53.1 per cent of the votes cast in 1938, and in 1945 with a majority of 60.8 per cent, while in the 1942 elections he lost his deposit as he did not secure more than 8.4 per cent of the votes, and in 1950 did not get more than 34.9 per cent of the votes. As regards the constituency No. 6, the Wafdist candidate did not secure the required majority in 1938 as he got only 42.3 per cent of the votes; in spite of that he was uncontested in 1942, he did not participate in the 1945 elections. In the 1950 elections he obtained 66.2 per cent of the votes. On the other hand, the anti-Wafdist candidate (Liberal Constitutionalist) was the only opposing candidate in the four general elections. (1)

Although there were different factors which influenced the results of elections, yet the exposition of the conditions in the Province of Bani 's-Swayf, shows clearly how the re-appointment of electoral constituencies affected them, and moreover, how it was manipulated to serve the interests of different political parties. In criticism of the system of the delimitation of electoral constituencies, it was said in the Chamber of Deputies that "it is not

(1) The figures and the plate were obtained through personal investigation in the Department of General Elections and Secretariate, the Ministry of the Interior, Cairo.

the voters who elect the candidates, but instead, it was the candidates who chose their electors."⁽¹⁾ Therefore, opinions were expressed in favour of the fixation of electoral constituencies to eliminate any need for their modification with every change of the population.⁽²⁾

A Royal Decree fixed the polling day, and within ten days from the date of the proclamation of the decree each application for candidature had to be forwarded to the province or the governorate to which the constituency in question was attached. Candidates having a particular party colour were nominated by their parties, and about the responsibility of both the parties and candidates in that concern, it has been rightly laid down the principle that: "In choosing a candidate the party is careful to pick, among other things, a sound party man, one who is loyal to the leadership and principles of the party. In recommending the candidate to the constituency, the party always justifies him by reference to the statesmanlike leadership and sound platform of the party. The candidate himself modestly subordinates his own claims to merit and preferment to his praise of the party."⁽³⁾ However, in practice, "party selection is far from being a democratic process. It is influenced by considerations of service rendered, financially or otherwise, to the organisation; of the prestige attaching to well known family groups; of the readiness of

(1) La Chambre des Députés: op.cit. VII-iv, S.21, p. 165.

(2) Haykal: op.cit. pp. 10-15; 'Allūbah, M.A.: Mabādi'fi's-Siyāsati'l-Misriyah, pp. 107-108; Ibrāhīm, W.: "Ta'dilu Qanūni'l-Intikhab."

(3) Corry: op.cit. p. 104.

the candidate to obey the party behests; and of the ambitious of the inner circle which controls the machine."⁽¹⁾ As an example from Egyptian political life, one could provide the incident of the Deputy who represented a particular constituency in the Chamber of 1945-49 as a Saadist, and in the 1950 elections was nominated a Wafdist candidate for that same constituency; he retained his seat in that last election in spite of the change of his party label. Moreover, it might be of some interest to point out that in order to secure his nomination as a Wafdist candidate for that constituency in 1950, as the popular trend at that time was pro-Wafdist, this ex-Saadist Deputy paid to the treasury of the Wafd a sum of some thousands of pounds.

On the face of it, the process for candidature was exceedingly simple. All that was required by law was that the person who aspired to become a candidate should file with the authorities a written application for candidature; and no one had the right to stand for more than two constituencies.⁽²⁾ Since there was no limitation of the relations between the member of Parliament and his constituents, and the member of Parliament represented the whole nation and not only his constituency, a constituency was not limited in choice to one of its own residents.⁽³⁾ One other thing was required of the candidate, namely a deposit of £E.150, to be forfeited unless the candidate proved to be unopposed or received at least one tenth of the total vote cast in his constituency on the polling day.⁽⁴⁾ Although this

(1) McIver: op.cit. p. 194.

(2) Qānunu'l-Intikhāb, Arts. 27 & 25.

(3) 1923 Constitution, Art. 91. Cf. Laski: op.cit. p. 318.

(4) Qānunu'l-Intikhāb, Art. 23; Sabri: op.cit. 696-699

latter condition was a guarantee of serious intention and a safeguard from frivolous or useless candidatures, one must make the criticism that the set amount of the deposit of one hundred and fifty pounds was a sum of money which could not be afforded by every one who felt competent to stand for election. The increase in the number of candidates in the 1945 and 1950 elections - which took place at a time when people were better off because of the Second World War - to 779 and 977 candidates respectively, giving an average of about three rival candidates in each constituency, after it had been less than two,⁽¹⁾ proves that the requirement of that deposit was a handicap to those who were willing to participate as candidates in the elections. Therefore, since "limitation, if limitation there is to be, must be so safeguarded that it excludes in general terms, and does not weigh the scales against any special class of citizens,"⁽²⁾ it would appear that in all fairness the amount of that deposit should have been reduced to an extent that willing competent people could have got the chance to stand for election.⁽³⁾

Electoral campaigns in Egypt extended usually from the day of the proclamation of the decree fixing the polling day until the time when the voters went to the polls. A campaign was usually carried on by the candidate and his agents assisted by his local supporters and friends, and financed from the candidate's own resources. Every candidate was

(1) Figures obtained from the Department of General Elections and Secretariate, The Ministry of the Interior, Cairo. For detailed figures about Candidates, See Appendix II, Table No. II.

(2) Laski: op.cit. p. 340.

(3) Id: op.cit. p. 146.

entitled to issue his own address or manifesto to the people of the constituency for which he was standing. This manifesto, sometimes, differed appreciably from general statements issued by the party to which he belonged, and from the addresses of other candidates bearing the same party label. In that manifesto the candidate usually stressed issues or arguments which he thought would appeal most to the people whose votes he sought; and in doing so he often wandered far from the principles or programmes of the political group in Cairo with which he was ostensibly identified. Here one might notice that a member of Parliament should only be returned as a member of some party or group, since the life of a parliamentary State is built upon the party system.⁽¹⁾ Consequently, parliamentary candidates in Egypt should have carried out their campaigns in harmony with, and not in contradiction of the policy and programme of the political groups to which they were attached.

The country was more wrought up at some elections than at others, and contests were keener in some constituencies than in others. But even in the most one-sided fight in the most apathetic of elections, the appeal to voters was apt to be of the whirlwind variety. In the course of it, every reputable means known to politicians, the world over, was employed. Meetings were held in halls and on street corners. Candidates were floated in floods of oratory, especially in the rural districtis. Along with the Press, which was used extensively, a favourite method of appeal to voters was the placard or poster.

(1) Laski: op.cit. p. 312; McIver: op.cit. p. 197;; Barker: op.cit. pp. 37-38.

Because there was no definite law or regulation to govern this method of appeal, the humbler posters of poorer candidates were plastered over or torn from their places. That situation should certainly have been remedied through the promulgation of a law to equalise opportunities for every candidate to appeal to the electorate. Furthermore, electoral meetings were subject to the law organising public meetings, which required the previous notification to the administrative authorities of the date and place of the meeting. In spite of the exemption of electoral gatherings from some of the conditions required in connection with other public meetings, it was rightly observed that the necessity to notify the administrative authority of the intention of holding a meeting was a restraint on the freedom of the candidates and the electorate which should have been absolute and completely guaranteed during electoral campaigns. (1)

The art of campaigning is largely the same everywhere, yet with interesting national variations. In canvassing, it was said that in some places, when electoral agents succeeded to persuade any of the electorate to promise his vote for a particular candidate, they made sure of it by forcing the voter to give an oath. That oath was usually that if he did not vote for that candidate, his wife would be divorced. According to the customs prevailing amongst the masses of the people, that statement would have effect; and therefore, if the poor wretch did not vote for that candidate, his wife would 'ipso facto' be divorced. (2)

(1) *Id.* op.cit. pp. 253-254.

(2) The Manchester Guardian, January 7, 1925.

Money played such an important rôle in Egyptian elections that it can hardly be overlooked. "Money is of vital importance, and its possession has given the richer classes the power to nullify hostile votes."⁽¹⁾ Not only did candidates use money in a disguised manner to influence the electorate, i.e. through holding parties and offering food and clothes along with electoral promises - but it had been used openly to buy votes. It is difficult to find an Egyptian who does not know about the candidate in one of the Cairo constituencies during 1945 elections, who along with his electoral agents would buy the electorate's votes so as to guarantee the defeat of his opponents. He used to divide the pound note into two halves, one of which the voter got before going to the polls, and the other after he had proved that his vote was cast in favour of that candidate.⁽²⁾ The laws were completely silent as to how much money a candidate could spend, or allow to be spent, in advancing his cause. It is, therefore, impossible to give an estimate of the expenses of an Egyptian election. However, reforms in the Egyptian electoral law were urged through regulations and stipulations not only limiting the expenses of electoral campaigns in order to give equal chances to poor and rich candidates, but also defining and penalizing corrupt and illegal electoral practices, i.e.

(1) Finer: op.cit. Vol. I, p. 489.

(2) Cf. The so-called "Nabobs," who after making some money in the East returned to England and tried to use their wealth for political ends during the reign of George III. Bryce: op.cit. Vol. II, p. 532 states that "they bought electorate, and formed a group which had vanished long before the Reform Act of 1832." Cf. Marriott, J.A.R.: The mechanism of the modern State, Vol. I, p. 477.

bribery, threats, intimidation, personation, falsifying the count, and all forms of acts involving moral turpitude as well as other acts which, while not inherently immoral, were deemed contrary to good electoral practice.⁽¹⁾

The election day, when it fell to every voter to give his vote to the parliamentary candidate whom he judged the best to represent him, was fixed by a royal decree which was proclaimed and made known to all voters in all electoral constituencies, along with the names of the competing candidates for each particular electoral division. The polling process was performed by committees each of which was composed of a chairman who was either a judge, a member of the Parquet or a civil servant appointed by the Minister of justice; a representative of the Ministry of the Interior; and voters who were not less than three.⁽²⁾ These latter should not have been candidates and were chosen in the following way: every candidate, on the day preceding the election day, designated, in writing, two voters - one of whom was to be provisional to replace the original in case of the latter's absence or delay; these designated members composed the electoral

(1) Mittwalli: op.cit. pp. 54-55. Cf. Conditions in the United Kingdom where a 'Corrupt and Illegal Practice Prevention Act' defines all corrupt and illegal electoral practices and regulates campaign expenditure and electoral manners generally. Ogg: op.cit. pp. 194-195; Finer: op.cit. Vol. I, pp. 499-500. In India, the law does not only limit the expenses to about £2,000 per candidate in a single member constituency, but also prohibits the use of transport to take voters to the polling centres. Morris-Jones, W.H.: "Indian elections," pp. 238-239. Bryce: op.cit. Vol. II, p. 499 gives an account of the extent of the power of money in different countries. He classifies the U.S.A. and France at the top of his list as the two countries where money plays the most effective rôle in politics.

(2) Qānūn al-Intikhāb, Art. 34.

committee. If they did not reach three in number because of a delay of more than half an hour, or because of the fact that the candidates in a constituency were only two, a third member was appointed by the chairman of the committee in the first circumstance, and elected by the two designated members in the second. In all cases members of these committees had to be literate.⁽¹⁾ Moreover, every candidate, had the right to have an agent present throughout the polling for the purpose of checking off the names of those who would vote, watching for attempts at fraud, challenging persons who were suspected of trying to vote under false names or more than once, and in general, took note and expressed remarks about what might have happened during the process of the polls.⁽²⁾

Voting was by secret ballot, and usually took place in all parts of the country on the same day from 8 a.m. to 5 p.m.⁽³⁾ In spite of the clear provision to that effect in the electoral law, the 1938 elections were not held throughout the country on the same day. There was a division into Upper Egypt and Lower Egypt and elections all over were carried out on different days within a week's time. Surely that procedure was a deviation from the rule that elections should have been in all constituencies throughout the country on the same day, and was one of the means by which the government interfered in the running of the elections in favour of the anti-Wafdist political parties.⁽⁴⁾

(1) Ibid. Art. 35.

(2) Ibid. Art. 35; Sabrī: op.cit. pp. 700-701.

(3) Qanūnu'l-Intikhāb, Art. 39.

(4) Graves, P.P.: "The Egyptian elections," pp. 582-583; The Times, April 5, 1938.

Polling centres were usually few and far from the people. That is why it is a well known fact that candidates who acquired, by hire or otherwise, the most lorries and other means of transporting the voters to polling centres, were usually the ones most likely to get seats in Parliament. This is an additional proof of the inequality of chances for rich and poor candidates, and gives weight to the argument that electoral expenses should have been fixed, and transportation of voters by any means, by the candidates or their agents, should have been penalized to the extent that its commitment could have invalidated the candidacy. (1)

Once a voter stepped into the polling booth, he showed the committee a certificate proving that he had been registered as a voter. If it happened that one had lost his certificate, he had to identify himself and provide evidence that his name was on the electoral register of that particular constituency. If there was no discrepancy in the information provided by the voter and that on the registration list, the chairman handed him a ballot. (2) This ballot was a simple affair: a bit of white paper no larger than an ordinary postal card, bearing an official stamp, the name of the constituency and the date of election on the back, devoid of party names and emblems, containing nothing but the names of the candidates arranged in alphabetical order on the front. Taking this paper to a screened compartment, the voter made a mark in the space to the left of the name of the candidate of his choice; and then folding the ballot so

(1) Sabri: op.cit. pp. 714-715; Mitwalli: op.cit. p. 54; Ibrāhīm, W.: "Ma'alladhī Yurādu bi Qānūnī l-Intikhāb"

(2) Qānūnu l-Intikhāb, Arts. 40 & 41.

as to conceal the marking, but exposing the stamp, he dropped it in the ballot box and went his way. If a voter was unable to mark the ballot himself, a member of the committee under the supervision of the chairman marked it for him.⁽¹⁾

Only 24 per cent of the electorate were literate,⁽²⁾ and consequently could fulfil the conditions of casting their votes through a secret ballot which is a requirement for free elections.⁽³⁾ The rest, i.e. 76 per cent of the voters, had to depend on officials and members of the electoral committees in casting their votes for electing representatives who decided on political, civic and social matters in Parliament. As parliamentary majorities usually fluctuate, so that every vote in the representative assembly becomes of consequence and significance to ministers, the latter exerted themselves in Egypt not only to secure the election of their proposed supporters, but to propitiate as many deputies as possible. Officials in different electoral constituencies were made to understand the wishes of the government, and they, whether expressly instructed or not, did their best to promote the candidature on whom the ministry counted.⁽⁴⁾ On the whole, Egyptian elections were subject to panic, not that of the electorate but of those persons who were able to decide which way the voters were to vote.⁽⁵⁾ However, since the impartiality of those who

(1) Ibid. Art. 42.

(2) Sabri: op.cit. p. 743.

(3) Barker: op.cit. p. 42.

(4) Ibrāhīm: "op.cit."

(5) That point was clearly expressed in the Chamber of Deputies after the return of the Wafd to power in 1950. Majlisu'n-Nuwwāb: op. cit. X-i, S.3, pp. 20-21. The influence of the administration and the simultaneous actions of influential civil servants to direct elections towards a particular trend was frankly expressed in one of the reports of the Standing Committee of the Verification of Membership in the Chamber of Deputies. It showed that in

were delegated by most of the voters to express their will, which was to result and feature the common will, was not guaranteed, a system securing the free expression of these illiterate masses of the electorate was urged.⁽¹⁾

It is not an easy task to find a simple method to enable illiterate people to express freely their political views in an election, and at the same time be within the bonds of democratic principles and traditions. Some critics,⁽²⁾ who weighed the benefit which a voter could derive from voting by his ability to distinguish between various policies and different candidates, stressed the inefficiency and ineffectiveness of the vote of the uneducated. They continued their arguments showing that the unrestricted universal suffrage systems applied in different European and Western countries have been the result of the socio-political evolution of the people, and therefore, because of the social and political conditions in Egypt, the universal suffrage system there required some modifications. Accordingly some of them suggested the disenfranchisement of the large masses of illiterates,⁽³⁾ while the others proposed the plural voting system as an alternative method for electoral reform.⁽⁴⁾

= a by-election where a candidate was a relative of the Prime Minister, some officials initiated actions to force voters to cast their votes in favour of that candidate. Ibid. IX-v. S.11, pp. 253-255.

(1) Ra'fat, W.: "Al Islāhu'l-Intikhābī"

(2) Šabri: op.cit. pp. 710-716; 'Id: op.cit. pp. 89 et seq.
Mitwalli: op.cit. pp. 5 et seq.

(3) Ibid. pp. 48-51; Šabri: op.cit. pp. 715-716.

(4) 'Id: op.cit. pp. 103-104, Al-'Imari: "Tanqīhu'd-dustūri'l-Misri li yatamshā ma'a'l-mabād'i'l-Iqtisādiyyati'l-hadithah," p. 10.

It is undisputed that the more educated a democracy is, the better its government will be, but, nevertheless, one should be very reluctant to accept a suggestion for the disenfranchisement of the uneducated.⁽¹⁾ It is the defenders of the theory of the government by the competent who usually, and everywhere suggest the establishment of educational qualifications, but the device of a valid scheme on such bases proved practically impossible in almost all countries, and there has been, nearly everywhere, a complete surrender to the principle that mere citizenship qualifies the voter.⁽²⁾ Moreover, in the words of Lord Bryce: "The voter who cannot read a newspaper or the election address of a candidate is ill-equipped for voting. But the real question is not whether illiteracy disqualifies, but to what extent literacy qualifies. How does the ability to read and write go towards civic competence?"⁽³⁾ Instead of depriving the masses of their electoral rights because of their illiteracy, one should try to elevate their standard of education and avoid the barriers which keep the people far beyond the reach of the lights of knowledge. Searching for these obstacles, one should remember the well known fact that all despotic governments have been "either indifferent or hostile to the spread of education among their subjects, because they feared that knowledge and intelligence would create a wish for freedom."⁽⁴⁾ Moreover, as Laski powerfully and frankly expressed it, "all regimes built

(1) Rafat: "op.cit."

(2) Finer: op.cit. Vol. I, p. 410.

(3) Bryce: op.cit. Vol. I, p. 80.

(4) Ibid, p. 79.

upon inequality draw their strength from the ignorance of the multitude, and all such regimes seek to make their methods of education such as are least likely to injure their own foundation."⁽¹⁾ Here, we recall **Finer's** theory that "it is a fallacy to believe that the poorest, the most ignorant, ought not to vote because they will not know what to vote for - they know very well, even too well."⁽²⁾

Those who are acquainted with the troublesome problem of doing away with plural voting in Britain, might get rather a shock to learn that something of the kind was being proposed for Egypt. It was the aim of those who suggested a plural electoral system that in addition to the vote that a person acquired as a citizen, he would get the right of an extra one to three votes according to his standard of education.⁽³⁾ The first difficulty which usually faces the application of such a system is the definition of "education". In Egypt, the concept of the word has been changing with the march of time; and what was considered two decades ago a high educational qualification has become much lower than that. If an hypothesis that a practical way for the application of this system is found, the main argument against that system of plural voting appears; namely, it helps the creation of class distinction and widens the gaps between them and even strengthens the bitterness and conflicts not only between different social classes, but also within the educated one. Moreover, it seems

(1) Laski, H.J.: Democracy in crisis, p. 73.

(2) Finer: op.cit. Vol. I, p. 410.

(3) ^cId: op.cit. p. 103; Al-^cImari: op.cit. p. 10.

that those who recommended the plural electoral system as a remedy for the electoral difficulties in Egypt, overlooked the fact that plural voting has been discarded in all democracies the world over, and that its existence was the remains of an electoral system which required property, and not educational, qualifications in the voters.⁽¹⁾

However, in order to raise the political standard of the electorate and induce the voters to choose between policies and to prefer parties to individuals, as was the case in Egypt, one would have suggested that on the ballot paper, along with the candidate's name, a coloured sign identifying his party would have been attached to his name. The voter, and especially the illiterate one, who was to fill his ballot paper without any help from the electorate committee, would have chosen from amongst parties and not an individual candidate.⁽²⁾

The count of votes, which took place within the three days following the election day, was made by a committee composed of the chairman of the central electoral committee and representatives of other electoral committees of the constituency.⁽³⁾ Thereupon the results were certified to the authorities, i.e. the Ministry of the Interior, by whom they were announced. A member of Parliament was

(1) Ogg: op.cit. pp. 177-178.

(2) Cf. Conditions in India where because of mass illiteracy, parties were distinguished by pictorial symbols, and each party had a ballot box marked with its symbol. The voter was only required simply to drop his ballot paper in the box of his choice. Morris-Jones: op.cit. p. 238. A similar method was applied in the Sudan in elections held in 1953.

(3) Qānūn al-Intikhāb, Arts. 44-46.

elected by the absolute majority of the votes cast.⁽¹⁾ In view of the multiplicity of candidates in some constituencies, it happened frequently that no one received that majority. Therefore, in such a case, a second ballot between the two candidates standing highest determined who would get the seat. The merit of a second ballot is usually that "it gives the people the opportunity of re-considering their vote when they know by the first result that certain candidates are out of the running and that their choice is now restricted. Many cannot have the man (or woman) they most prefer, they are given the opportunity of deciding which of the remaining candidates is nearer their first preference."⁽²⁾ The period between the two ballots, which was not to exceed five days, likely witnessed plenty of bargaining, as a result of which some seats were gained without any need for a second ballot. However, whether a second ballot was undergone or not, and in spite of the argument of Duverger that "it is practically impossible to specify what are the effects of the second ballot on the representation of the parties, owing to the change of opinion in comparison with the first ballot on the part of the electors, who transfer their votes to the most acceptable rival,"⁽³⁾ usually its results could easily be predicted since the general will or at least its trend could be felt from the results of the first ballot. The

(1) Ibid. Art. 47. Cf. Great Britain where only a simple majority is required for the election of members of Parliament and only one ballot. Finer: op.cit. Vol. II, pp. 911-912.

(2) Ibid, p. 912. Cf. Ra'fat: "op.cit."

(3) Duverger, M.: "The influence of electoral systems on political life," p. 330.

election of members of Parliament in the second ballot was by relative majority of votes, i.e. the candidate who secured more votes without regard to its percentage to the votes cast, was elected.⁽¹⁾ Moreover, a second ballot meant some extra expense, which was considerable, and it seemed rather difficult to get the voters to go to the polls a second time within so short a period. There are no definite figures to show the abstention of voters in the second ballot, but surely many of them did not go, and for that reason it could be said that "the result of the second poll may not be a real expression of the feeling of the constituency."⁽²⁾

The electoral process, already described in the previous pages of this Chapter, illustrates how constituents were assembled, taught and drilled in their constituencies to choose representatives

(1) Qanūnu'l-Intikhab, Art. 47.

Although different human and social environments, greatly influence various institutions, it is a matter of interest to remark that criticisms of the second ballot system were officially presented to the French Chamber of Deputies in 1927: "(1) The respective situation of parties is falsified. It is impossible to gauge the importance of the various political groupings by reference to the results of the second ballot; the victories won in the second ballot are the product of a transaction most often obtained to the detriment of ideas and programmes; (2) It often happens that these bargains are arranged under conditions which have nothing at all to do with political contest, (3) The possibility of a second ballot even falsifies the result of the first. A large number of the electors, in fact, use the first ballot for manifestation of sympathy or personal rancour and wait until the second round to express their political sentiments. Others finally give their votes to such and such a candidate, solely to produce another election; (4) The second ballot engenders a recondescence of violence which is not calculated to heighten the morality of the election. Further, it is an extra source of expense and the prospect of a second round may suffice to keep out of the struggle candidates who are poor." Rapport No. 4625, cited in Finer: op.cit. Vol. II, p. 913.

(2) Daniels, S.R.: The case for electoral reform, p. 32.

and politicians who would constitute the legislature, and through the same activity they judged the different policies in dispute at the moment of election. The object of this part of the work is to study the working of that electoral system and its results.

The use of the franchise was disappointing in Egypt, as it is in other countries.⁽¹⁾ To begin with the discussion of the non-voting problem and its effects and repercussions on the parliamentary and democratic system in Egypt, it is useful first to have a look at Table No. I.⁽²⁾ From that table a notable phenomenon, namely the steady increase of abstaining or non-voting voters, is evident. A continuous decline in the percentage of those who used their right to vote is noticeable. It was only in the 1931 elections that this percentage rose high, and this was due to different causes: the newly introduced indirect electoral system, administrative interference, the fabrication of the results of the elections in order to show the satisfaction of the people and their acceptance of the new Constitution (i.e. the 1930 Constitution) and the electoral law. The increase in the number and percentage of the voters who participated in the 1950 elections may be explained by the feeling which had existed and was very apparant from the end of 1948 against the governing coalition parties when the Prime Minister was assassinated and concentration camps and prisons were opened to receive every political suspect.⁽³⁾

(1) Gosnell, H.F.: "Voting," p. 289; Finer: op.cit. Vol. II, p. 941.

(2) See Appendix II, p. 486.

(3) For indications about that situation see A'r-Rāfi'i: op.cit. Vol. III, pp. 262 et seq. Cf. Keesing's Contemporary Archives, Vol. VII, 1948-1952, p. 9712.

In spite of the limited material available in connection with the participation of voters in elections, it is an obvious fact that the percentage of abstention from voting in urban constituencies was higher than in the rural areas. ⁽¹⁾ Moreover, it was noticed that the percentage of votes which placed a parliamentary candidate in a seat in the Chamber of Deputies in relation to the total registered votes in different constituencies, was much higher in the rural than in the urban constituencies. ⁽²⁾ However, despite the inadequacy of the data to give an exact analysis of the reasons which caused the abstention of such a high percentage of the qualified voters, it is well known that "some of them were deterred by sickness, others by their occupation, absence abroad, ignorance, apathy, general disgust

(1) Ṣabṛī, E.: "Majlis 'n-Nuwwāb lā Yumathilu 'l-Ummati tamthīlā Ṣaḥīḥā".

(2) "Ibid" Without giving any figures about the rural constituencies, the following examples are mentioned:

In the 1938 elections in Cairo, Deputies for the constituencies of "Būlis Rūdi 'l-Faraj", "Nuqtat Būlisi 'l-ʿIzzab" and "Shubra" gained their seats in the Chamber by securing only 12%, 10% and 14% of the registered votes in these constituencies respectively. In Alexandria, this percentage was 11% and 5% in the constituencies of "Al-Manshiyah" and "Nuqtat Būlisi 'l-ʿInnab".

In the 1942 elections, the Deputy for the constituency of "Qismi 'l-Ismaʿiliyah" of the Suez Governorate secured only 16% of the registered votes.

In the 1945 and 1950 elections the same phenomenon is found. In the former, the Deputy for the constituency of "Nuqtat Būlisi 'l-Innab" Alexandria, acquired only 5% of the registered votes; and in the latter, the Deputy for the constituency of "Nuqtat Būlisi 'sh-Shurābiyah" Cairo, had only 10%.

Cf. The conclusion to which Gosnell reached that there is usually more voting in the urban than the rural constituencies. Finer: op.cit. Vol.II, p.945; Merriam, C.E. and Gosnell, H.F. Non voting, causes and methods of control, p.253.

with politics or disbelief in their efficacy, and in some cases by a dislike of the candidates available."⁽¹⁾ In addition to this, because of the extensive areas of electoral constituencies and the distance separating their places of work from their electoral residence, voters might have been obliged to travel a good distance to cast their votes at too great exertion. Although the fares of such journeys were paid by the State, voters did "show no sign of wishing to reduce their standard of living by absence from work for the sake of politics."⁽²⁾

This was an acute problem. "Non-voting is a symptom: it points to something basically wrong or to the fact that people do not consider the stakes important."⁽³⁾ However, the imposition of a compulsory voting system was the only way through which this problem could have been solved. Such a system has been successfully used in different countries,⁽⁴⁾ where the notorious abstention from voting before the introduction of "Le vote obligatoire" (compulsory voting), was overcome and replaced by the participation of most of the voters in elections.⁽⁵⁾ The success of these experiments⁽⁶⁾ should have

(1) Robson, W.A.: "Compulsory voting," pp. 569-570.

(2) Finer: op.cit. Vol. I, p. 418. Cf. Merriam and Gosnell: op.cit. pp. 86-95. In spite of differences in the social and economic conditions in the U.S.A. and Egypt, it is important to point out that in the U.S.A. the non-voting because of economic pressure and fear of losing earnings or wages is more apparent in the poor districts. Ibid. pp. 90-91 & 253.

(3) Dimock: op.cit. pp. 105-106.

(4) Belgium, Holland, Czechoslovakia, and Australia adopted the compulsory voting system, the highest voting records in democratic countries were found there.

(5) Ibid, p. 105; Robson: op.cit. p. 573, Gosnell: op.cit. p. 289.

(6) For the extent of the success of the compulsory voting in these countries, especially Belgium, See Gosnell: op.cit. pp. 289-290, Finer: op.cit. Vol. II, p. 943.

encouraged the suggestion to introduce a compulsory voting system into Egypt with the imposition of some slight penalties for failing to vote without a good reason.⁽¹⁾ A legislation to that effect was initiated in the Chamber of Deputies but it was rejected.⁽²⁾

These penalties might have not been severe and might have not been inscribed in the police records as offences. They could have been framed on a progressive scale for those who repeatedly abstained. The type of penalty recommended in such cases might be a reprimand or a fine, the exhibition of the abstaining voters' names on a placard for some time in some locally prominent place, and in the most serious cases could be the suspension of electoral rights by the removal of their names from the electoral register for a limited period during which they would receive from the State no promotion, distinction or nomination to any office.⁽³⁾

At the same time when one suggests the introduction of compulsory voting to Egypt, one should insist on the facilities required for every voter to express his political views freely, that is to say without any suppression or interference from anybody or any institution, and also on guarantees for the safeguard of his social and economic status. In other words, the secrecy of the ballot should be safeguarded, especially for illiterate voters, no economic sacrifice should be required of the voter, in the sense that everyone should be given sufficient free time from his work to go to the polls. Such an

(1) Cf. Sabri: "op.cit."; Sabri: Al-Qānūnū'd-Dustūrī, p. 747.

(2) Majlisu'n-Nuwwāb: op.cit. IX-v, S. 11, p. 275.

(3) Ra'fat: "op.cit."; Majlisu'n-Nuwwāb: op.cit. IX-v; S.11. p.275. Cf. Belgian system analysed by Robson: op.cit. pp. 573 et seq.

arrangement could be maintained by obliging employers to grant the voters, as a paid holiday, the time necessary for them to cast their votes; by extending the polling time, say from 6 a.m. to 10 p.m.; and by the promulgation of a law condemning corrupt and illegal electoral practices. One might ask what advantages representative institutions would gain through the imposition of the compulsory vote. In Finer's words, "it enables the politician to say with conviction (and demonstration) that he represents a majority of the people. It makes it easier to get people to the poll. In some a political consciousness will be awakened." (1)

The study of the problem of the abstention of voters led some writers to draw the conclusion that only a very small minority had been governing the country. (2) This theory is based on the fact that that Parliament's decisions and resolutions were valid if they had been passed by an absolute majority of the members present, and that the sittings of Parliament were constitutional if they had been attended by an absolute majority of members. Therefore, the power, it was said, was held by only a very small minority, especially since the abstention of voters was very high and all votes not given to the successful electoral candidate simply did not count at all, exercising no influence whatsoever upon the composition of Parliament or the course of events. (3) Actually, the problem here could be divided into

(1) Finer: op.cit. Vol. II, p. 944.

(2) Sabri: op.cit. pp. 716-720.

(3) Ibid. p. 720. He tries on these bases to show that Parliament's decisions were valid although they might have been approved by only 10.75%, 9.75%, 9.25%, 11.75%, 9.75% and 10.25% of the electorate in 1926, 1929, 1936, 1938, 1942 and 1945 respectively.

two parts: the first is that of the abstaining voters, which has just been discussed. The second is that of those voters who voted for the unsuccessful candidates and their non-representation in Parliament. Here, one should bear in mind that these voters were a minority, and that democracy and representative parliamentary government is a kind of government where normally the minority should accept the rule of the majority.

Duverger said: "There seems to be a very simple method of assessing how accurate representation is: to compare the percentage of the seats and the percentage of the votes gained by each party. If the two coincide, it will be taken that the representation is accurate; the first higher than the second, we shall have 'over-representation'; if it is lower, 'under-representation.'" (1) Table No. II⁽²⁾ is an attempt to apply this method to the results of the Egyptian general elections. From the table, it could be correctly inferred that the proportion of seats obtained by the different parties in the Chamber of Deputies did not correspond to the proportion of the votes cast for their candidates. Therefore, the electoral system did not really produce a representative Parliament; and since the majority party acquired more strength and was usually over-represented, whilst the minority parties remained weak and under-represented, landslides were encouraged.

The extraordinary nature of the results produced by the electoral

(1) Duverger: op.cit. p. 328.

(2) See Appendix II, pp. 487-489

system is brought out by an analysis of the election results. It is rather difficult to trace the distortions which were due to the casting of votes under some sort of influence or suppression such as those already described. But even on the assumption that all votes were honestly cast, and that every voter had a real chance of expressing his true opinion by his vote, the results, in every case, show the incredible distortion of the facts and the trend of the common will. While the votes which a party received should offer a sure sign of its popular strength, the number of the seats acquired by each party provided a very unreliable guide. A glance at the right hand column of the table - which provides detailed figures about the operation of the representative system in Egypt at every election held between 1924 and 1952 - shows the divergence between the seats a party actually obtained, and those to which it would be entitled. Moreover, a somewhat detailed survey of these figures might show the misrepresentation of public opinion by the different Chambers of Deputies. It seems preferable, in order to produce a fair assessment of the situation, to standardize the means of comparing the accuracy of representation. The results of the elections of 1924, 1925 and 1931 will therefore be disregarded in this survey as they were conducted according to the indirect electoral systems.

The Wafd which struggled against the despotism of the Palace and the reactionary elements during the first constitutional crisis through its appeal to the people for their support obtained in the 1926 elections what was regarded as a smashing victory, that is to say

171 seats out of a total of 211 in the Chamber of Deputies. This gave the Wafd a strength in the Chamber of more than 4 to 1 against other parties, while it had only 68.0 per cent of the votes cast. The same picture in a clearer shape appeared in the results of the 1929 elections. They were carried out after the collapse of the "iron hand" and the success of the Wafd, by the support of the masses, in quelling the absolutism of the Palace and the Liberal Constitutionalist Party. In these elections, the Wafd secured 93.1 per cent of the seats with only 60.9 per cent of the votes cast.

If the 1926 and 1929 elections provide evidence of the popularity of the Wafd as the party which sought the preservation of the Constitution and parliamentary life, the 1936 elections could prove that this particular party had derived its popularity because of its attitude towards Britain in connection with the "National Demands". These elections were carried out after the success of restoring the 1923 Constitution, and in an atmosphere in which every person felt the need for a settlement of Anglo-Egyptian relations. That might have been the reason why the Wafd had 81.9 per cent of the seats with 62.1 per cent of the votes. Again the same conditions were found in 1950 when the internal situation was very complicated at the end of a five years old anti-Wafdist Parliament, and when relations with Britain were somehow unstable because of the revision of the 1936 Treaty and the position of both Egypt and the United Kingdom towards the Sudan. This could be the reason behind the sweeping success of the Wafd in

gaining 70.8 per cent of the seats with only 54.5 per cent of the votes. In spite of the fact that the 1942 elections were carried out during the Second World War when the country was passing through a very critical phase of its history as German and Italian troops were actually in Egyptian territory, and despite the fact that parties other than the Wafd and the National party boycotted these elections, the former party had 87.9 per cent of the seats with 58.3 per cent of the votes.

On the other hand, one should consider the position of the other parties, especially the Liberal Constitutionalist Party and the Saadist Party, which were recognised as the major parties other than the Wafd. The Liberal Constitutionalist Party suffered from under-representation in the Chamber, in all elections but one, in which it participated. The extent of this under-representation differed from one election to another, but its worst conditions were in 1929 when the party possessed only 2.2 per cent of the seats in the Chamber while it secured 18.8 per cent of the votes cast. The under-representation of that Party in the 1926 and 1929 elections could, one might say, be due to its policy, and responsibility for the two constitutional crises of 1925 and 1928. One can hardly find another reason for its under-representation in the 1936 elections, which were carried out after the restoration of the 1923 Constitution; and the rôle of the Liberal Constitutionalist Party in the struggle for its restoration did not differ from that of the Wafd, the over-represented party, except that under the single member constituencies system with two ballots which the Egyptian electoral system established, the majority party usually

acquires more strength and the minority parties remain weak even to the point of losing some of their strength. The under-representation of the Liberal Constitutionalist Party was due to the over-representation of the majority party, the Wafd. The single occasion when this Party was over-represented was in the 1945 elections, and that might have been because the Wafd boycotted them. Moreover, this over-representation of the Liberal Constitutionalist Party came about through the under-representation of another political party, namely the Independent Wafdist Block (Al-Kutlatu'l-Wafdiyyatu'l-Mustaqillah), which had been considered minor to the Liberal Constitutionalist Party.

The Saadist Party, during its short life, was over-represented in two elections, i.e. the 1938 and 1945 elections out of the three in which it participated. The over-representation of that party might be due to its youth, and the policy and programme it presented. But it should be noticed that the over-representation of the Saadist Party was countered by the under-representation of the other minor parties. In the 1950 elections, this party suffered from under-representation. It had only 8.8 per cent of the seats in the Chamber while it secured 16.3 per cent of the votes cast. This situation was due to the fact that the Saadist Party was held responsible for the political upheaval which had occurred during its term of office, and resulted in its unpopularity.

An interesting point might be raised here: What were the effects of the inter-relationship of the parties on the outcome of the elections and the conduct of the political events to follow? "The problem of the

inter-relationship of the parties, and of the alliances they may form among themselves, has so far scarcely been studied systematically. It is, however, of great importance under a multiparty system, as only by contracting alliances is it generally possible to secure a sufficient majority to form a government."⁽¹⁾

The first clear alliance between political parties in Egypt for the purpose of undertaking a general election as a united front was in 1938. The Liberal Constitutionalist Party, the National Party and the People's Unionist Party entered into alliance and participated in the elections under the name "Qawmiyun". The Liberal Constitutionalist Party was the strongest of the three, and was trying to gain a sufficient majority in the Chamber of Deputies to form a government. For that reason, and in order to challenge the Wafd, all three parties agreed to surrender their political identities, and nominated their candidates under the newly invented name "Qawmiyūn".

Another electoral alliance appeared in the 1945 elections amongst the Saadist, the Liberal Constitutionalist, the National and the Independent Wafdist Block parties. In this case, each party retained its name and nominated its candidates, but an argument amongst them for the division of the electoral constituencies in a particular way was reached. The constituencies were divided into so-called "closed" and "opened" constituencies. The latter were opened for any candidate of any party colour nominated by this party, while the former were so designated that only one party of the four coalitioned parties was

(1) Duverger: op.cit. p. 324.

entitled to nominate candidates to these constituencies. In other words, the parties agreed to divide a certain number of the constituencies amongst themselves, each party getting a quota of these constituencies in which his candidates were not to be contested by any nominee of the other three parties. It is important to notice that the parties did not stick to that agreement, and in the "closed" constituencies candidates of different parties were found contesting each other under a disguised independency. This might have been the reason for the instability of the coalition and the withdrawal of some of the parties from the Cabinet thus breaking the theory that electoral alliances tend to continue, being converted into governmental ones.⁽¹⁾

In the previous pages, the defects of the electoral system have been discussed. These defects, and especially that of the under-representation of the minorities could have been amended by some system of proportional representation - some method of ensuring that every substantial body of political opinion in the country should have been represented in proportion to its strength.⁽²⁾

There are many schemes for proportional representation, but there are two main types: first, the single transferable vote, and second, the list system.⁽³⁾ Since the Hare system, i.e., the single transferable scheme is somehow complicated and requires an educated and intelligent electorate, the list scheme in view of the economic and social conditions of Egyptian voters, seems to have been the most suitable one for adoption in Egypt. The detailed description of such

(1) Ibid. p. 324.

(2) Sabri: op.cit. pp. 746-747; Cf. Mitwalli: op.cit. pp. 41-48.

(3) Corry: op.cit. p. 179; Field: op.cit. pp. 133-137.

a scheme is unnecessary. Its object is to deal with an important problem, namely that of ensuring that every citizen shall be able to feel that his vote is counted, instead of merely thrown away unless he gives it to the candidate who happens to be elected. This problem has been the subject of much research and discussion since J.S. Mill pointed out the dangers of the single member constituency. Mill showed how this system deprives the electors of the means of expressing their opinions, and puts them at the mercy of organised parties, which might by skilful handling of the electoral machine secure unreal majorities that would place the destiny of the nation at their mercy. He explained that the real danger of democracy lies, not only in the possible misuse of power by a majority, but in the obtaining of a majority power by an organised majority. Therefore, the only safeguard against this danger is to make sure that all solid and sober bodies of opinion are fairly represented.⁽¹⁾

The fair representation of minorities is essential not only for their protection, but also for the well being of the whole. Therefore, proportional representation based on the following principles would have been suitable. The country would have been divided into two or three gigantic constituencies; any organised party could put forward a list of candidates for every constituency, and the electorate would vote on the party lists. Each party would obtain one seat for every electoral quota it should receive,⁽²⁾ and seats would have been

(1) Mill, J.S.: Considerations on representative government, Chapter VII.

(2) This quota would have been the result of the total number of the votes divided by the number of the representatives entitled to be elected.

allotted to the candidates in the order of their priority on the official lists of the parties.⁽¹⁾

The system of proportional representation advocated for Egypt would have yielded more accurate reflection of the mind of the country. It would have given to every voter a real liberty of choice among the parties without any pressure from influential individuals. It would have discouraged dishonest voting, for when every elector knows that his vote would not be wasted, he would vote according to his conscience. It would have encouraged political parties to elaborate their programmes and policies, and to establish and carry on educational work everywhere because every convert's vote would count. It would have facilitated self-respecting and open agreements or arrangements between parties because they could/^{not}co-operate in Parliament without slackening their propaganda in the country. It would have ensured to every solid and reasonable body of opinion representation in proportion to its strength; therefore legislatures thus elected

(1) Cf. The German scheme of proportional representation, *Finer: op.cit. Vol. II, pp. 915-917*; *Corry: op.cit. p. 180*; *Field: op.cit. p. 134*.

It is worth noticing that in consequence of the First World War, the newly created States adopted proportional representation almost without discussion. Also Germany, Austria, Holland, the Irish Free State, Poland and Norway adopted that system. This might be because proportional representation has been claimed to enhance the claims and powers of the electorate. In the United Kingdom, the United States and France, there were agitations in favour of that system, but it did not find any success until after the Second World War in France when the Constitution of the Fourth Republic stipulated for proportional representation. *Gosnell, H.F.: "Proportional representation," pp. 542-544*; *Barker: op.cit. p. 78*; *Article 6 of the Constitution of the French Fourth Republic*; *Thomson, D.: Democracy in France, pp. 251 et seq*; *Duverger: op.cit. p. 317*.

would have truly mirrored the political composition of the people. In other words, quoting Professor Barker on the proportional representation system "the electorate will no longer speak, as it were, in a thick husky voice; it will speak in clear and distinct accents, which can be nicely calculated and exactly recorded. Just for that reason, its verdict will carry a greater weight and exercise more decisive influence."⁽¹⁾

Proportional representation has been riddled with criticism. The first argument against the system is that it "destroy(s) any prospect of personal relations between the member (of Parliament) and his constituents,"⁽²⁾ and consequently "prevent(s) that contact and interplay of the different organs which is part of the system of government by discussion."⁽³⁾ Actually a member of Parliament in Egypt was exposed to the pressure of his constituents, something which was considered a defect in the parliamentary system. Accordingly, since members of Parliament elected by proportional representation are usually less dependent upon their electors than in the case of the single member constituency system, the introduction of proportional representation system would have resulted in many Deputies coming under no obligation to any constituency. Consequently, they would be free from the burden of personal gratitude towards their electors, they would not be obliged to pledge themselves to the particular demands of their constituencies, or even to the purely personal wishes

(1) Barker: op.cit. p. 79.

(2) Laski: H.J.: A grammar of politics, p. 315.

(3) Barker: op.cit. p. 81.

of their constituents in so far as these come into conflict with considerations affecting the whole State. Such members of Parliament, being less tied to their constituents, would have been better able to attend to the affairs of the country as a whole.

In the second place, it is argued that the attempt to secure an exact representation of the electoral opinion, would result in the increase of the number of political parties. Since the system gives a chance for every opinion to be represented, it is believed that it tends to encourage splits in the big parties and the formation of new minor ones. ⁽¹⁾ In fact, this might well be considered to be a disputed point since Duverger noticed that the proportional representation system adopted in France after the Second World War has resulted, if not in a tendency towards a decrease in the number of the French political parties, at least to a stabilization of their number. If this proof be unconvincing because of the short life of the experiment in France, the case of Belgium is more striking. In the fifty years during which the proportional representation system has been in operation in Belgium, this country has had the same three political parties, with scarcely an alteration in the political situation through the presence of the weak Communist Party. ⁽²⁾ Here a point of importance should not be overlooked. Those so-called independent candidates who contested elections and secured seats in Parliament, and who were in part responsible for the instability of the parliamentary system in

(1) Laski: op.cit. p. 316; Corry: op.cit. pp. 181-182.

(2) Duverger: op.cit. pp. 317-319.

Egypt, would have had no chance of securing any success in an electoral contest under proportional representation. They would have been eliminated from the political arena.

In the third place it is objected that the voter under a proportional representation system has to select a list of candidates and may not vote for individual candidates. He must choose a group of people, in the order in which they are set forth by the party organisation. Thus if an elector wants to support a particular party, he may often have to vote for some candidates with whom he has little sympathy. In such a case the elector has no alternative but to return a party of his liking and thereby mechanically gives his approval to a number of personalities whose names have been placed by the party at the head of the list. Failing this, he could either vote for another party or return a blank and invalid ballot paper. On these grounds proportional representation is attacked as giving a very limited freedom to the electorate, and as empowering the political parties and the control practised by their central organisations over the legislature and its members.⁽¹⁾ Truly an elector voting according to a proportional representation system will not be in a position to select individual men, but he will make a free choice among a number of programmes presented to him by various political parties. In addition, in a single member constituency system, party candidates are pre-appointed by their parties before contesting elections, and voters are supposed to choose between parties and the programmes of these parties while

(1) Laski: op.cit. p.316; Corry: op.cit. p. 184.

exercising their selective function.⁽¹⁾ In a democracy, and for its working, programmes and policies should have greater value than individuals. Therefore, the application of proportional representation in Egypt would have obliged the electorate to weigh the different policies, programmes and promises of the various parties before casting their votes; and in the meantime it would have ridden them of the personal influence of some candidates who practised economic pressure on the voters to get their votes, and of the pressure of administrative officials.⁽²⁾ On the other hand, one cannot deny the influence of parties in a proportional representation system over the electorate and in the preparation of the lists. This was the main argument of the defenders of the single member constituency against proportional representation in Egypt.⁽³⁾ But this defect of the application of the proportional representation system in Egypt would have been offset by the benefit that should accrue by the parties being obliged to present clear, precise and practical programmes, of both their internal and external policies, in order to gain the support and sympathy of the people.

(1) Barker: op.cit. pp. 41-42.

(2) Cf. The arguments for the "scrutin de liste" in France throughout the existence of the Third Republic. Thomson: op.cit. p. 94.

(3) Ra'fat: "op.cit."; Mitwalli: op.cit. pp. 41-48.

C H A P T E R VI.

The Senate.

The foundation-stone of the political structure in Egypt was what the Constitution laid down, namely that the "Government is a hereditary monarchy having a representative form."⁽¹⁾ This form of government, i.e., parliamentary government, has seemed since the dawn of the twentieth century to be the most suitable way towards national growth, liberation and stabilisation.⁽²⁾ A freely, popularly elected legislature is an essential criterion by which to distinguish between democracy and its rivals. Although the enactment of laws belongs to a relatively late stage in political development, the law making body takes precedence over those which are concerned with their execution, administration or interpretation in the mechanism of the modern State.⁽³⁾ Parliaments have been functioning in regard to vital matters. In addition to the enactment of substantive laws, all democratic representative institutions have exercised such functions as these, to authorise taxation and expenditure, to control the executive power, to remove grievances, and to interpret public opinion. So important are the functions of Parliament that it should stand as a whole in absolute sovereignty.⁽⁴⁾ While the indispensability of parliaments to democratic systems is taken for granted, in some individual cases

(1) 1923 Constitution, Art.1; see Appendix I.

(2) Laski, H.J.: Democracy in crisis, p. 31.

(3) Marriott: op.cit. Vol. I, p. 389; Dimock: op.cit. p. 132.
Cf. Laski, H.J.: Studies in law and politics, pp. 109-113;
McIver: op.cit. pp. 367-368.

(4) Barker: op.cit. pp. 45-48.

legislatures have declined in effectiveness and reputation because of the existence of "a wide gulf between the importance which attaches to democratic legislatures in virtue of their functions and the repute which many of them actually enjoy among those they represent and serve."⁽¹⁾

The Egyptian Constitution, as in modern democratic constitutional States, benefited from the English precedent of the bicameral parliamentary system and from the conclusion which most political scientists have reached: A single chamber legislature is dangerous to liberty and is not conducive to efficiency of government. It might act rashly and inadvisedly. A second chamber is a checking power, an additional security for the maintainance and preservation of freedom. It facilitates the representation of different interests, and enables eminent personalities to enter Parliament and it checks any hastiness and possible bad judgment of the Lower House.⁽²⁾ Although the idea of establishing a unicameral legislature was considered during the drafting of the Constitution, the Committee of the Thirty rejected it and adopted the principle of a bicameral legislature.

The Constitution set forth the principle that Parliament comprised two Chambers.⁽³⁾ The Upper House, i.e. the Senate (Majlisu'sh-Shuyūkh), was a body composed of members whose number fluctuated

(1) Lipson, L.: The Politics of equality, p. 315.

(2) Marriott: op.cit. Vol. I, pp. 401-402; Bryce: op.cit. Vol. II, pp. 437 et seq.; Dimock: op.cit. pp. 139-140; McIver: op.cit. pp. 381-382; Majumdar, B.B.: Principles of political science and government, pp. 213-214.

(3) 1923 Constitution, Art. 73.

according to changes in the population.⁽¹⁾ This was due to the fact that the Senate was formed on a representative basis of one Senator to one electoral constituency of 90,000 to 180,000 inhabitants according to manhood suffrage.⁽²⁾ The Senate was charged with the task of legislative and administrative revision, a task which necessitates that the revising Chamber should be in relation to the Lower Chamber manageably small, and it may be because of this that one electoral constituency of the Senate comprised three constituencies of the Chamber of Deputies.⁽³⁾

Besides the elected Senators, the Constitution provided that two-fifths of the members of that legislative organ, which had power to delay the enactment of any legislation, were nominated by the King.⁽⁴⁾ The nomination of Senators minimized the representative character of the Senate since "the more the choosing of the second Chamber is out of the popular control, the more it tends to become detached from the realities of politics, and thus loses its vitality."⁽⁵⁾ J.A.Marriott, classifying the essential attributes of a successful second chamber, mentioned that it should be "independent without being irresponsible."⁽⁶⁾ Therefore, according to the situation which existed in the Senate, it could not as an institution claim to be independent as two-fifths of

(1) The last Senate was composed of 180 Senators.

(2) Ibid. Arts. 74 and 75.

(3) Ibid. Arts. 83 and 84.

(4) Ibid. Art. 76. It is worth noticing that the 1930 Constitution fixed the number of Senators at one hundred and granted the King the right to nominate sixty of them, i.e. three-fifths of the members of that legislative organ, an overwhelming majority, 1930 Constitution, Art. 75.

(5) Strong, C.F.: Modern political Constitutions, pp. 209-210.

(6) Marriott: op.cit. Vol. I, p. 421.

its members, who could gather and form a block, were nominated by the King. It could not claim to be responsible except to the authority which appointed the nominated members.

In spite of this fact, the nomination of Senators found some sympathisers. While they admitted that the nominated element in the Senate affected its representative character, they insisted that the social conditions of the country necessitated the adoption of that system. They argued that only through nomination could the intellectuals and the enlightened classes who were concentrated in big cities and towns, and who could not for financial reasons contest elections, reach the seats of the Senate.⁽¹⁾ In fact, as will be shown later, members of these classes could not attain seats in the Senate unless they were elevated to an upper social class which would provide sufficient financial backing for them to contest elections, and which was already adequately represented in both Houses of Parliament.

There is no doubt that the Egyptian Senate being partially elected, was, to a certain extent, more representative than the hereditary type of second chambers where the hereditary peerage is handed down from father to son. It is true that the office of a nominated Senator was terminable on his death, on the expiry of his mandate, or earlier if he so desired. However, there is no escape from admitting that the proportion of nominated Senators was somewhat high, and while the second Chamber in Britain, i.e., the House of

(1) Sabry: *op.cit.* p. 100; Ra'fat, W. and Ibrāhīm, W.: Al-Qānūnu'd-Dustūrī, p. 615.

Lords, has become of secondary importance and while a tendency to suppress it altogether has even been observed, ⁽¹⁾ the Senate in Egypt had almost the same functions as had the Chamber of Deputies which was wholly elected by the people. It was thought and it seems as though nominated members of the Senate could raise obstacles in the face of any motion, usually such obstruction would be most apparent when a certain majority other than an absolute one was required. Thus, under the 1923 Constitution where in many cases a majority of two thirds of each chamber of Parliament was required for the ratification of certain bills and the passage of particular resolutions, ⁽²⁾ and where the nominated two-fifths of the Senators might be influenced by the authority which nominated them, or by personal class interest, the legislative functioning of the Senate could have been seriously retarded. ⁽³⁾ Critics, therefore, demanded the reduction of the proportion of nominated Senators, to, for example, one fourth. ⁽⁴⁾ However, and in spite of the defects of a wholly elected second chamber stressed by Lord Bryce as creating a competitive claim of equal authority and equal representative quality as the lower house ⁽⁵⁾ the Senate in Egypt, if there should have been one at all,

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- (1) Corry: op.cit. pp.99-102; Ogg, F.A.: English government and politics, pp.317 et seq.
- (2) 1923 Constitution, Art. 36, 53, 54 & 157.
- (3) The influence of the nominated Senators was more powerful under the 1930 Constitution as they formed sixty per cent of all the members, and the majority of two-thirds of each chamber of Parliament was required in more cases than it was in the 1923 Constitution. Raafat, W.: La crise du regime parlementaire en Egypte et le renforcement de l'exécutif, pp.18-19.
- (4) Sabry: op.cit. pp.101-102; Sabri: op.cit. pp.371-374; Cf. Saleh: op.cit. pp.405-407.
- (5) Bryce: op.cit. Vol.II, pp.442 & 444-445.

ought preferably to have been wholly and directly elected by the people on the same suffrage as were members of the Chamber of Deputies but in and by larger constituencies. Under the Constitution the partially nominated Senate enjoyed almost all the functions of the lower House and was considered equal to it; it was constitutionally as representative an organ as was the Chamber of Deputies.⁽¹⁾ Therefore, the adoption of a wholly elected second Chamber in Egypt would not produce such acute problems as Lord Bryce visualised. It might, on the contrary, have benefited the country and enabled it to get rid of the nominated Senators through whom there were on occasion carried out violations of the basic principles of representative government and infringements of the Constitution.

Nominated Senators seem usually to have been selected for party reasons, not only to secure for the government a majority in the second chamber, but also to reward elderly supporters of the party. It seems that Egypt was one of the countries where secretly rendered political services or liberal contributions to party funds opened the door of the second chamber to those whose merits the public had failed to discover.⁽²⁾ A study of the parliamentary debates generally convinces a reader that the conflict which started in 1941 between the Wafd and its rivals concerning the nomination of Senators, although it appeared to be due to differences in the interpretation of the

(1) 1923 Constitution, Art. 91. Cf. McIver: op.cit. pp. 383 & 385.

(2) Ra'fat and Ibrāhīm: op.cit. p. 615. Cf. Laski, H.J.: A Grammar of Politics, p. 333, where it is stated that "the nominated second chamber suffers from the fact that if nominated on party principles it is entirely noxious, and, if on the principle of eminent service, it does not necessarily relate the service it distinguishes to the political process..... Every rich man on such a Senate would be merely a representative of the interests of prosperity."

Constitution and to be in defence of the constitutional system, was in fact concerned with the attempts of each side to re-enforce its position and nominate its adherents to the Senate.⁽¹⁾

A short survey of the history of that conflict may be of interest. It began when the renewal of half the Senators was due in 1941, and when the government of the day because of the situation created by the Second World War and the existence of martial law in the country, judged that it was impossible to hold free elections. It adopted the theory that in the meantime, as nomination to the Senate which was a part of its renewal was quite possible, there was no reason why the nomination should be postponed as were the elections. This theory, according to which twenty-nine Senators were nominated in March 1941, was based on an interpretation of Art. 115 of the Constitution which permitted the prolongation of Senators' mandates until the election or nomination of new members in case difficulties arose in the way of the achievement of either.⁽²⁾ This viewpoint of the government was not approved by the Wafdist Opposition which declared that although nomination to the Senate constituted a part of its renewal, nevertheless, it was complementary and should not take place until after the elected members had been chosen. By so acting the government could then more easily choose and nominate eminent personalities of brains and representatives of different interests which had either not received any or received inadequate representation through the

(1) Majlisu 'sh-Shuyūkh: Majmū'atu'l-marāsīmi's-sādirah fī Sanawāt 1941, 1942, 1944, 1945, 1950.

(2) Ibid. pp. 28-29; Cf. R.I.I.A.: Great Britain and Egypt, 1914-1951, p. 67.

elections. In a word, the Wafd considered as unconstitutional the action of the government in 1941 of proceeding with the nomination of Senators prior to holding the elections necessary for the renewal of the Senate.⁽¹⁾ It is therefore, no wonder that the Wafd, when returned to power in 1942, abrogated the decree of 1941 nominating the Senators, and proceeded with the renewal of the Senate by holding elections first and then filling the nominated seats. Differences between the Wafd and its opponents did not stop at this. Instability in the formation of the Senate continued. After the dismissal of the Wafd in 1944, the decrees of 1941 were restored on the allegation that it was they that were constitutionally sound. The Wafd insisting on its views did not approve that action and on its return to office in 1950 the decrees of 1942 were again brought into existence.⁽²⁾

As formerly indicated, the differences between the Wafd and its opponents were not basically due to a passionate struggle of either side in defence of the Constitution, but rather to party competition to hold as many seats as possible in the Senate. The party colour of those who were nominated by each side may prove this. Moreover, the deliberations in the Senate upon the subject confirm it. In the sitting of July 15, 1941, the leader of the Wafdist Opposition in the Senate demanded an explanation from the government as to the motives and reasons behind the fact that while the mandate of thirteen Wafdist nominated Senators was terminated only one Wafdist was re-appointed.⁽³⁾

(1) Majlisu'sh-Shuyūkh: op.cit. pp.29-32 and 34-36.

(2) A'r-Rafi'i: op.cit. Vol.III, pp.109-110, 147 and 318-329.

(3) Majlisu'sh-Shuyūkh: op.cit. p.39; Sabri: op.cit. pp.380-381.

This idea, also finds further support in the fact that the Wafdist government in 1950 did not consider the unconstitutionality of the formation of the Senate until the appearance of somewhat powerful opposition when an interpellation calling for inquiry into scandals in connection with the supply of munitions to the army and irregularities in the administration was moved in the House. Colour is added to this by the fact that the government had accepted and approved the "unconstitutional" form of the Senate for about six months. (1)

Although a second chamber entrusted with functions equal to those of the Lower House should be thoroughly representative in character, this rule was disregarded in the Egyptian Constitution. Not only did it state that the Senate comprised a nominated element, but it also required all Senators, whether elected or nominated, to belong to certain categories of defined social classes. (2) In other words, it laid down the rule that Senators should be representatives of the landed capitalistic aristocracy, and people of distinction and wealth, accepted as leaders of society. Actually literature and science were represented in the Senate; and truly spiritual forces were also represented in that chamber as the material ones were; brilliant jurists, military personalities, successful administrators, experienced proconsuls along with feudal and capitalist representatives of agricultural, commercial and industrial interests were found in the

(1) Majlisu^{sh}-Shuyūkh: op.cit. pp. 102-103; A'r-Rāfi'ī: op.cit. Vol. III, pp. 318-325; Keesing's Contemporary Archives, (1950-1952), p. 10808.

(2) 1923 Constitution, Art. 78.

Senate; but manual labour was not represented in that institution and could rarely find a spokesman. Therefore, the Senate did not represent the people on a proportional basis in accordance with the relative sizes of the different social classes of the population. The reason for this deviation from democratic principles seems to be the desire to maintain a representative body in which the bourgeois element would have more influence than other groups, a desire which is a paradox to the idea that a bicameral legislature gives a wide chance for real and more effective representation of different interests and classes in the State.⁽¹⁾ In fact, Ramsy Muir's term "the common fortress of wealth"⁽²⁾ applies to the Senate in Egypt as it does to the House of Lords in Britain. That may be due to the fact that landlords and directors of public companies had more seats in the Senate than they usually held in the Chamber of Deputies and that there was no great national industry whose leadership, as far as its capitalist side was concerned, did not find its appropriate representation in the Senate.

Eligibility for membership of the Senate began at the age of forty.⁽³⁾ This resulted in an approximate average age of Senators of about fifty-five; an age which made members of the Senate tend to conservatism, they having probably reached a certain standard of living and tending to adopt a particular way of life which they would not easily sacrifice. Moreover, as Senators were of a certain class,

(1) Majumdar: op.cit. p. 213; Finer: op.cit. Vol. I, p. 677.

(2) Quoted in Laski, H.J.: Parliamentary government in England, p. 112.

(3) 1923 Constitution, Art. 79.

they would naturally defend the interests of that particular class. That may be the reason why they did not usually desire revolutionary changes in the structure of society, even by gradual means, and insisted on the maintenance of the 'status quo' by energetic activity.

Senatorial deputation was for ten years. The Senate was a permanent body never to be dissolved as a whole but to be renewed by half every five years.⁽¹⁾ The Senators long term of office usually led to the unpopularity of their views, and indeed the Chamber of Deputies whose members were elected for a period of five years only, may be considered as having corresponded more closely than the Senate to the immediate expression of the people's will. The Senate might have presented different moods and convictions throughout the ten years during which the mandate of its members lasted; again, the opinion of the Chamber of Deputies was not in exact accord with that of the Senate since each of the two chambers had been formed in a different manner. The length of the Senators' term of office would tend to separate the Senate from the electorate and its views to lag behind those of a contemporary Chamber of Deputies.⁽²⁾ Attention should be paid to the fact that the renewal of half the Senators every five years operated effectively in helping towards an understanding between both chambers and in overcoming such divergences of opinion as arose between the two Houses of Parliament since the renewal usually resulted in a Senate of the same political colour and tendencies as the Lower House.

(1) Ibid. Art. 79.

(2) Cf. Finer: *op.cit.* Vol. I, pp. 692-694; Laski: A grammar of politics, p. 342.

The Constitution clarified the procedure by stipulating that the choice of the retiring Senators at the end of the first five years was to be made by the drawing of lots, and it fixed the date on which the mandate of the retiring members should expire to be the same day as the expiration of the mandate of the first Chamber of Deputies (October 31, 1928).⁽¹⁾ By this was meant that in the first Senate the mandate of half of its members would last for five years and that of the other half for ten years, and that the renewal of the Senate would accompany the elections for the Chamber of Deputies which were to take place during a suitable period prior to the third Saturday of November, the Constitutional date of the convocation of Parliament. Naturally, these provisions were conditioned, and would be void if any authority interfered to cut short the Constitutional term of the Chamber of Deputies. Moreover, its meaning and purpose seems to have been that the renewal of the Senate would easily and automatically be achieved. However, the King's interference more than once, to dissolve the Chamber of Deputies, and the suspension of the Constitution in 1928 during the second constitutional crisis and the replacement of this Constitution with another in 1930 created difficulties to the fulfilment of that provision of the Constitution and the objective at which it was aiming.⁽²⁾

In spite of the infringements of the Constitution in 1928 and 1930, it had been possible after the restoration of the 1923 Con-

(1) 1923 Constitution, Art. 162.

(2) Al-^Uurābī, A.Z.: Mi^ʿādu Ijrā^ʾi^ʿl-qur^ʿah li^ʿl-tajdīd^īn-nisfi fi majlisi^ʿsh-shuyūkh, p. 1.

stitution to accomplish automatically every five years the renewal of half the Senators; but as the Constitution required that the number of the Senators should be in proportion to the number of the population some other complications arose. They were the outcome of the fact that the general census in Egypt is carried out in the seventh year of every decade while the renewal of the Senate took place in the first and sixth years. Therefore, as the census may result in either an increase or a decrease in the number of the population, the number of Senators should vary accordingly. The two censuses which Egypt took after 1936 showed an increase in the population each time, and as the number of Senators should therefore be increased, the problem of the length of the new Senators' mandate had to be faced.

The choice lay between the following courses, viz:- (1) whether they would undergo the process of the following renewal, in which case their mandate would be shorter than the constitutional term; or (2) whether a special renewal would be held for the additional members, an action which would result in grave complexities; or (3) whether their membership would be extended until the renewal of the Senate taking place after they have fulfilled their legal term, in which case their mandate would exceed the term prescribed by the Constitution.⁽¹⁾

No definite rule in that matter had been laid down. After the census of 1937 had taken place, fifteen new Senators, six of whom were nominated, joined the Senate in April 1938, and for the first time the problem of the mandate of these Senators appeared in March 1941 when

(1) Ibid. p. 2.

the renewal of the Senate was due. A line of thought to distinguish between the two groups of Senators, the first, those whose membership started in 1936, and the second, the Senators whose mandate began in 1938, but it was not accepted. All Senators were considered as one group and underwent the drawing of lots for the renewal of the Senate. This resulted in the mandate of those who joined the Senate in 1938 lasting for either three or eight years only each a period less than the constitutional term.⁽¹⁾ On the other hand, the term in office of those Senators who joined the Senate in 1950 in consequence of the increase in population recorded by the 1947 census, was extended to last longer than the constitutional term. It would seem that the only solution capable of overcoming these difficulties lay in fixing the number of Senators.⁽²⁾

As already mentioned, the Senate was considered to be a permanent legislative organ which would never be dissolved. Let us now consider the extent to which the permanency of that body was observed. The Constitution which provided for the permanency of the Senate seems to have overlooked that rule when it stipulated for the adjournment of the Senate during the dissolution of the Chamber of Deputies.⁽³⁾

(1) Abdu'l-Wahhāb, I.: Mudhakkirah fī muddati 'a'dā'i Majlisi 'sh-Shuyūkh 'ani'd-dawā'iri'l-lati zidat taba'an li-ta'dādi sanati 1947, p. 4.

(2) The 1930 Constitution adopted this idea and fixed the number of Senators at one hundred (Art. 75) and although the Constitution did not last long enough to prove the success or failure of the fixation of Senators' number, the only criticism of that rule was that the number of Senators was inadequate to represent different groups and interests.

(3) 1923 Constitution, Art. 81.

Moreover, in practice, the continuation of the people's representation which was the object of considering the Senate a permanent organ, could be interrupted through the King's interference. This actually occurred in 1928 when both chambers of Parliament were dissolved and elections for their membership, as well as nominations to the Senate were postponed for three years, the proposed period for the suspension of representative institutions and the Constitution. ⁽¹⁾

Although that banning of Parliament was considered a reactionary revolution from above, yet it cannot be denied that it presented an illustration of a power that could interfere with the permanency of the Senate in contradiction of the constitutional provision. Moreover, that incident might have encouraged the thought in 1939 to suspend, and even dissolve the Senate when it reached a deadlock with the chamber about the imposition of death duties. ⁽²⁾

Another point to be emphasised in connection with the formation of the Senate and one which had been the subject of much criticism, was the nomination of its President by the King. ⁽³⁾ No one can deny the importance of presidents of representative institutions being neutral so as to act as balancing powers without partiality towards any political party or organisation while presiding over sittings of their assemblies. In some democracies presidents of legislative organs are usually reputed to have moderate party tendencies, and in other countries political parties even agree on the persons who shall

(1) A'r-Rāfi'ī: op.cit. Vol. III, pp. 50-52.

(2) Great Britain and the East, Vol. LII, No. 1470, p. 98.

(3) Sabry: op.cit. pp. 103-104.

hold the presidencies; nevertheless in Egypt, it was the King who appointed the President of the Senate without any participation of that body. The term of the President was two years.⁽¹⁾ It should be stressed that this much criticised method of appointing the President of the Senate was introduced by the governmental Consultative Legislative Committee. The Committee of the Thirty had provided for the right of the King to choose the President of the Senate from three candidates proposed by the Senate itself, a preferable system which the governmental Committee during its efforts to increase the royal prerogatives rejected.⁽²⁾

It seems peculiar that a legislative chamber of a representative character had, at least in principle, no liberty in the choice of its President. The recognised rule in most modern constitutional countries is that any legislative organ takes part in choosing its president. Even in Britain where the Speaker of the House of Commons was appointed by the King, a tradition has developed until it has become the right of the House to elect its speaker.⁽³⁾ If justification was found for the appointment of the Speaker of the House of Commons as being the link between the King and the House and getting his emoluments from the King's purse,⁽⁴⁾ it is difficult to find any justification for the King's right in Egypt to nominate the President of the Senate. It seems illogical that the King, who was the head of the executive

(1) 1923 Constitution, Art. 80.

(2) Sabry: op.cit. p. 103.

(3) Porritt, E.: The unreformed House of Commons, Vol. I, pp. 433-434; Ogg, F.A.: English government and politics, pp. 380-381; Ogg: F.A. and Zink, A.: Modern foreign governments.

(4) Porritt: op.cit. pp. 433 and 436.

power, should appoint the President of the Senate who presided over meetings of the two chambers of Parliament when they met in Congress.⁽¹⁾ Here we are faced with a case where the national sovereignty was hampered by the representatives of the people being presided over by an officer who held his office not according to the people's will, but according to that of the King which might not have been at all in agreement with theirs. In a word, the nomination of the President of the Senate by the King means that the former derived his authority from the monarch and not from the people and their representatives; therefore, it seems to contradict Article 23 of the Constitution which enunciated that "all authorities have their source in the people."

What were the powers of the Senate? Considering that question the Committee of the Thirty found itself in a position to accept either one of two solutions: (1) to attribute more powers and authority to the wholly elected Lower House of Parliament (i.e. the Chamber of Deputies), or (2) to confer equal powers upon both the Lower and Upper Houses of Parliament. One group believed that the position of the second chamber is secondary to the Lower House and adopted the view that the Senate should not have the same powers and functions as those attributed to the Chamber of Deputies. It alleged that the rôle of second chambers in modern constitutions should be a simple one and that they should only act as a moderating influence to minimise the violence of conflicts which might arise between the executive power and the Lower House. It demanded extended competency

(1) 1923 Constitution, Art. 121.

for the Chamber of Deputies and stressed the concept that it only should have (a) the absolute right to initiate, and to make definite decisions in cases of difference or deadlock with the Senate, and (b) priority to discuss and vote on all bills which, after being ratified, would be transferred to the Senate.⁽¹⁾ On the other hand, another group supported the principle of parity of both chambers of Parliament and denounced the concept adopted by the first group as applying only to republics and not to monarchies. Moreover, it believed that the parity of both chambers of Parliament would mean the responsibility of ministers to the Senate which would thereby establish a double control on the governments' actions. On these bases, that group did not approve of the Upper House being granted inferior functions to those of the Lower House.⁽²⁾

To illustrate the fallacy of the idea that the superiority of the Lower House only exists in republics: the House of Lords in Britain, which is considered the fortress of monarchy, has yielded its powers to the House of Commons. It has lost its authority on money bills in a manner that sharply curtails its power and illustrates the non-existence of parity between the two Houses of Parliament.⁽³⁾

Nevertheless, the Committee of the Thirty disregarded that clear precedent and adopted the principle of parity and equality of functions, powers and authority of both the Senate and the Chamber of Deputies overlooking the fact that "equal powers make eventually for deadlock,

(1) Mahādir Lajnatu'l-Thalāthin, p. 35.

(2) Ibid. p. 45. Cf. Laski: Studies in law and politics, pp. 115-116.

(3) Ogg: op.cit. pp. 51-52.

and a deadlock always involves an unsatisfactory compromise of principle."⁽¹⁾

Here attention should be paid to the fact that the Constitution did not regard the principle of parity of both chambers of Parliament absolutely. The Senate was deprived of the right to initiate money bills and to vote on confidence in the Cabinet, two functions which the Chamber of Deputies practised. It may be said that the Committee of the Thirty deprived both the Senate and the Chamber of Deputies of the right to undertake the creation of new taxes or the increase of existing ones, making it an absolute right of the executive power, and that the governmental Committee introduced the system which was established by the Constitution. Although this objection may have some value, yet one ought not to forget that the Committee of the Thirty was wholly responsible for the provisions granting priority to the Chamber of Deputies to discuss and approve the Budget; a real privilege as it comprised debates on the policy of the whole country.⁽²⁾

The Senate's constitutional powers can be divided into two functions: first, its primary function as a branch of the legislative power, and second, its control over the government. Now let us see how the Senate worked in each of its functions.

I. The Legislative Function.

As explained in the third chapter of this work, the legislative

(1) Laski: A grammar of politics, p. 228.

(2) 1923 Constitution, Art. 139; Sabry: *op.cit.* p. 119.

power in Egypt was a compound one. The Senate constituted a branch of the legislature possessing, in legal theory, co-ordinate authority with the other two branches of that power.⁽¹⁾ "The main end for which a Senate is constructed," said Henry Sidgwick, "(is) that all legislative measures may receive a second consideration by a body different in character from the primary representative assembly."⁽²⁾ The legislative function of the Senate in Egypt comprised its right to initiate legislation and to revise and amend bills emanating from the Chamber of Deputies and the executive power.

It seems necessary before proceeding in our study of the legislative functions of the Senate to notice that in the Egyptian Parliament (the Senate and the Chamber of Deputies), as in most parliamentary institutions of world democracies, the basic part of its function was carried out by standing committees. The growing amount of legislation which must be enacted to meet the demands of a modern State puts an increasing burdon on its legislature. Not only the question of time, but also the sheer size of the legislative organs have necessitated the formation of parliamentary standing committees. Moreover, parliaments being too large for effective deliberations, an increasing reliance on standing committees, not only to divide the labour and save time, but also to provide for more effective discussions has been noticed.⁽³⁾

(1) Sabry: op.cit. pp. 41 and 91-96.

(2) Quoted by Marriott, J.A.R.: Second Chambers, p. 227.

(3) Marriott: The mechanism of the modern State, Vol. I, pp. 578-579; Corry: op.cit. p. 109; Barker: op.cit. pp. 212-214. It is interesting to note that the standing committees system in Egypt was similar to that introduced into the House of Commons by the end of the nineteenth century, see Finer: op.cit. Vol. II, pp. 804-810.

In Egypt, in both chambers of Parliament, standing committees for each of the important recurring subjects of legislation were found. Their number in each chamber varied from time to time as the legislative organ itself had the authority to create new standing committees, dispense with older ones and amalgamate two or more into one. (1)

In the Senate each of the standing committees was made up of eleven members except the standing committee of finance which was composed of nineteen; and again, the Senate could introduce any modification of that number. (2) The term of the membership of standing committees was five years and the election to one took place after every renewal of the Senate. Every senator was entitled to become a member of any standing committee he liked on condition that he did not join more than three, and those who participated in the standing

(1) Majlisu'sh-Shuyūkh: Al-Lā'ihatu'd-dākhiliyah, Art.59; Majlisu'n-Nuwwāb: Al-Lā'ihatu'd-dākhiliyah, Art.48. According to these two articles, nineteen principal standing committees existed in each chamber of Parliament. Cf. Majlisu'n-Nuwwāb: Mahādiru'l-Jalasat, IX-i, S.3, p.1.

(2) Majlisu'sh-Shuyūkh: op.cit. Art.60. Although this part of the work is devoted to the second chamber, yet because of the similarity of the procedure used in the chamber of Deputies to that of the Senate, it is preferable to note here that the number of members of Standing committees in the Chamber of Deputies had with a few exceptions, been prior to January 1950, twenty-one. This exception includes the Committees of the Constitutional Affairs, Cotton Affairs, and the Sudan Affairs, each of which was formed of nine members, and the standing committee of Accounts which was formed of seven members. Majlisu'n-Nuwwāb: Al-Lā'ihatu'd-dākhiliyah, Art.48. When the number of the Deputies increased in accordance with the increase of the population the number of members of standing committees was raised to be twenty-four. Majlisu'n-Nuwwāb: Mahādiru'l-Jalasat, X-i, S.3, p.9.

committee of finance could join only one other committee.⁽¹⁾ Like the French usage, and unlike the Anglo-American practice, each Committee at the beginning of every ordinary session elected its chairman and secretary.⁽²⁾ They were usually members of the majority party, or independents known to support, and being backed by, the majority, and frequently the chairman was a member of the committee who had had a long membership in it. Although the minutes of such committees have not been made public, it seems that the chairman exercised a powerful influence on its deliberations.

One of the important functions of a legislative organ is "the initiation of bills dealing with subjects of non-controversial character which may have an easier passage through the (other) House if they have been fully discussed and put into a well considered shape before being submitted to it."⁽³⁾ The initiative power of the Senate was equal to that of the Chamber of Deputies subject to one important exception: the initiation of laws creating new taxes or increasing existing ones was, as in every democracy, a reserved and absolute right of the King and the Lower House.⁽⁴⁾ Although the Constitution

(1) Majlisu'sh-Shuyūkh: op.cit. Arts. 59 & 63. In the Chamber of Deputies the formation of standing committees occurred at the beginning of every ordinary session, and every Deputy was not entitled to be a member of more than two committees. Majlisu'n-Nuwwāb: Al-Lā'ihatu'd-dākhiliyah, Arts. 52 & 49.

(2) Majlisu'sh-Shuyūkh: op.cit. Art. 64; Majlisu'n-Nuwwāb: op.cit. Art. 52. Cf. Ogg: European governments and politics, p. 558.

(3) Lees-Smith, H.B.: Second Chambers in theory and practice, p. 33, quoted from the report of the Conference on the Reform of the Second Chamber, p. 4.

(4) 1923 Constitution, Art. 28; Cf. McIver: op.cit. p. 385; also the 1930 Constitution according to which the King only (the head of the executive power) had the absolute right to initiate financial legislation and money bills.

did not grant the Senators an initiative power regarding the creation or increase of taxes, it was disputeable whether or not they could acquire that right when it was aimed at reducing taxes.⁽¹⁾ Moreover, what were the powers of the Senate with regard to the bills emanating from the Chamber of Deputies or from the executive power creating taxes or increasing them? Could it introduce amendments to such bills?

On that point two schools of thought existed. The first, which aimed at maintaining a weak Senate, inferior to the Chamber of Deputies, adopted the theory embodied in Article 28 of the Constitution which said: "To the King, to the Senate, and to the Chamber of Deputies shall be given the right to initiate all laws with the exception of those imposing or increasing taxation, the right of initiation of which shall reside in the King and in the Chamber of Deputies."⁽²⁾ The Senate, therefore, should not participate in any action which had the character of initiation of new taxes or an increase in them. Considering the Senate's right to introduce amendments into bills which emanated from the other Chamber or the executive creating or increasing taxes, a right of initiation, this group did not accept the theory that the Senate could amend such bills. On the other hand, another group, in order to strengthen the authority of the Senate, interpreted the French text of Article 28 of the Constitution which ran: "L'initiative des lois appartient au Roi, au Sénat et à la Chambre des Députés. Néanmoins, la création d'un nouvel impôt

(1) Sabry: op.cit. p. 138.

(2) This is the translation of the Arabic text of that article.
See Appendix I.

ou l'augmentation d'un impôt existant ne peut avoir lieu que sur l'initiative du Roi et de la Chambre des Députés,"⁽¹⁾ to mean that the Senate had as much right as the Chamber of Deputies to amend bills concerning the imposition of taxes.

This divergence of views occurred in 1938 when the Senate was discussing a governmental bill creating a new tax on the Returns of Personal (Moveable) Property and trying to raise the ratio of that tax. In spite of the opposition of the Chamber of Deputies to the latter interpretation of Article 28 of the Constitution which gave the Senate the right to amend bills concerning taxation, the government supported that point of view; and since then the Senate had acquired the right to change the ratio of taxes proposed by the government or the Chamber of Deputies and to amend the bills dealing with taxation.⁽²⁾ Moreover, the Chamber yielded and accepted the 'de facto' status of the Senate which allowed that latter legislative organ to exceed the boundaries of its rights as laid down by the Constitution. In other words, the Senate acquired a new prerogative, namely to discuss and amend money bills. Examples to show the practice of that newly acquired right by the Senate are numerous. It is sufficient, however, to point out that after the passage of the following taxes in the Chamber of Deputies, they were amended by the Senate and returned to the Chamber for reconsideration, and that latter body accepted the views of the Senate. These taxes were:

(1) See Davis: op.cit. p. 21.

(2) A'r-Rifā'i, A.H.: A'd-darā'ibu'l-mubāshirah, pp. 208-209; Sabri: op.cit. pp. 399-400.

the modification of the taxes on industrial and commercial profits in 1944, on the income from work in 1944,⁽¹⁾ the amendment of the additional tax in 1944,⁽²⁾ and the progressive income tax in 1951.⁽³⁾

"The rules of procedure of parliamentary bodies have a vital significance in the operation of democracy. They affect the whole process of democratic discussion in its most crucial stage - the stage of parliamentary debate and discussion."⁽⁴⁾ The purpose of the procedure is commonly to enable the will or the opinion of a parliamentary assembly to be focussed and clearly expressed. Let us now examine the procedure of initiating bills. It differed according to whether the proposal of legislation arose from the government or from a member of Parliament.⁽⁵⁾

Governmental bills which derived their name in Arabic (Mashrū' Qānūn) from the French term "projet de loi" were always presented in the form of a decree signed by the King and counter-signed by the competent ministers to the President of either of the two chambers of Parliament who usually announced them at the following sitting. These bills were then transferred to one of the parliamentary standing committees to be examined and reported on before being put under consideration.⁽⁶⁾

(1) La Chambre des députés: op.cit. VIII-iii, S. 33, p. 314.

(2) Ibid VIII-iii, S. 54, p. 434.

(3) Majlisu'n-Nuwwāb: Mahādiru'l-Jalasāt, X-ii, S.44, pp. 10 & 44.

(4) Barker: op.cit. p. 210.

(5) Although this Chapter is about the Senate, attention is drawn to the fact that the procedure in both the Senate and the Chamber of Deputies was alike, and therefore, the study of the procedure in this part is applicable to both Chambers of Parliament unless otherwise mentioned.

(6) 1923 Constitution, Art. 102; Majlisu'sh-Shuyūkh: op.cit. Art. 127; Majlisu'n-Nuwwāb: Al-Lā'ihatu'd-dākhiliyah, Art. 94.

Private members' bills which got their Arabic name ('Iqtrāh bi-Qānūn) from the French "proposition de loi" followed another line of procedure. They were presented to the President of the chamber accompanied with an explanatory note. Such bills were transferred to a special standing committee (Lajnatu'l-'Iqtrāhāti wa'l-'Arā'id, Committee of propositions and petitions) which examined their validity for consideration and presented its report on their adoption or rejection within fifteen days. If a private members' bill was judged valid and accepted by the chamber, it then followed the same procedure as any bill initiated by the government. (1)

That difference in the procedure may be explained by the fact that governmental bills were usually profoundly studied and always deserved the attention of Parliament, (2) while those initiated by private members were deemed to be less thoroughly worked out and documented; and accordingly out to be examined by a competent committee prior to their submission for deliberation. Moreover, the government, which was considered to represent the parliamentary majority, should adopt the same political trend prevailing in Parliament, and that consequently, governmental bills would follow that

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- (1) 1923 Constitution, Art. 103; Majlisu'sh-Shuyūkh: op.cit. Arts. 128 & 130; Majlisu'n-Nuwwāb: op.cit. Arts. 111, 113 & 114.
- (2) The Council of the State which is an institution formed on the French pattern of the "Conseil d'Etat" undertook to study and draft governmental bills in the legal and constitutional form. Besides its principal function of serving as chief administrative court, the Council of the State comprises a department which provides technical and legal advice to ministers on matters dealing with orders and decrees. Khalīl, U.: Al-Qānūnu'l-Idāri Vol. II, Majlisu'd-Dawlah, pp. 16 et seq. Prior to the foundation of the Council of the State in 1946, the State Legal Services undertook to form and study governmental bills before their being presented to Parliament. Ra'fat, W.: Al-Qānūnu'l-Idāri, pp. 490-499.

trend; whereas a single member might be out of sympathy with the general policy of Parliament and opposition to his bill might provoke conflicts of opinion and fetter the working of the legislative organ.⁽¹⁾ Again that difference of procedure may be further explained as being a means of proving the validity of the concept that "Parliament cannot properly legislate without the guidance of those who are responsible for the execution of its legislation."⁽²⁾

A private members' bill should not be presented and signed by more than ten members of Parliament.⁽³⁾ This provision seems to have been a precaution taken to avoid the moulding of an opinion about the bill prior to its adoption or rejection, and to recognise the influence of a great number of members who might group together to defend the bill in an organised way before the deliberations about it took place.⁽⁴⁾ However, members of Parliament were usually influenced by the policy of the political group or party to which they belonged, and consequently their stand in Parliament was in compliance with such policy.⁽⁵⁾

To complete the study of the right of initiative conferred on members of Parliament one notes that they had in addition to their

(1) Kāmil, F.: Al-awdā' u'l-barlamāniyah, pp. 68-73 & 78-81; Sabry: op.cit. pp. 116-118.

(2) Barker: op.cit. p. 47.

(3) Majlisu 'sh-Shuyukh: op.cit. Art. 128; Majlisu 'n-Nuwāb: op.cit. Art. 112.

(4) Kāmil: op.cit. p. 72.

(5) It is of interest to note that in July 1951 a private member's bill was presented to the Chamber of Deputies having the effect of restricting the freedom of the Press. In spite of the fact that the Wafd, the Party in office and holding the majority in the Chamber, was in favour of that bill, to the extent that gossip and rumours, which later proved to be true, were circulated that the leadership of that party was behind that bill, a grouping

right to initiate legislation, the competency to initiate resolutions. Resolutions did not have the effect of laws. They were adopted by a single chamber of Parliament once a majority of its members voted in favour of their adoption, while laws had to be ratified by both chambers and obtain the sanction of the King. Although resolutions were not, on the whole, of a legislative character, yet some important repercussions of resolutions could not be denied. Resolutions were usually either administrative or political. The administrative type were resolutions such as those concerned with the Rules of Procedure of the House of Parliament, and the validity and regularity of membership of members of Parliament. Resolutions of a political character were for example the judgment that the Constitution required an amendment, a call on the government to carry out a certain function, the impeachment of ministers and the vote of confidence in the Cabinet by the Chamber of Deputies. The procedure of initiating resolutions was similar to that of initiating private members' bills.⁽¹⁾

Members of Parliament who presented private members' bills or initiated resolutions could withdraw them, even during the deliberations on them, unless they were held up by one or more of the other

members.⁽²⁾ The question which may arise now is: what was the effect

= of some Wafdist Deputies opposed and succeeded to persuade the Chamber to reject the bill. Al-Ahrām, July 31 and August 1, 1951; Aḥr-Rāfi'i: op.cit. Vol. III, p. 302; Al-Barāwī, R.: Harakatu'l-Inqilābi'l-Akhir fi Misr, p. 171.

(1) 1923 Constitution Arts 156, 157, 66 & 95; Kāmil: op.cit. pp. 58-59; Majlisu'sh-Shuyūkh: op.cit. Art. 131; Majlisu'n-Nuwwāb: op.cit. Art. 107; Shafiq: Hawliyat, Vol. I, pp. 188-190.

(2) Majlisu'sh-Shuyūkh: op.cit. Art. 134; Majlisu'n-Nuwwāb: op.cit. Art. 115.

of the closure of parliamentary sessions, and the renewal of the Senate on bills and initiated resolutions presented to Parliament but not voted. In principle, they remained valid till they were voted, unless they were withdrawn by those who had presented them. Therefore, the closure of the session did not have the slightest effect on them. Each of the two chambers of Parliament resumed in the following session consideration of the bills and initiated resolutions which it could not examine during the past session. Parliamentary tradition necessitated that members who presented them, should confirm their intention to maintain them. On the contrary, as the Constitution and the Rules of Procedure were silent about the effect of the renewal of the Senate (and the dissolution of the Chamber of Deputies) the parliamentary custom was to consider bills and resolutions not voted before the renewal (and the dissolution) as non-existent and for their revival they needed to go through the usual procedure. (1)

The principal element in parliamentary procedure was that all bills must be referred to one or other of the series of parliamentary standing committees, and that no decisive debate was possible until the committee had reported. (2) All then depended on the standing

(1) Majlisu'sh-Shuyūkh: op.cit. Arts 59 & 159; Majlisu'n-Nuwwāb: op.cit. Art.115; Kāmil: op.cit. pp.75-78; Sabry: op.cit. pp. 118-119. Cf. La Chambre des Deputes: op.cit. VIII-i, S.1, p.4. After the return of the Wafd to office in 1942 "all bills which were not definitely voted by the two chambers of Parliament were withdrawn." The renewal of the Senate or general elections usually resulted in political bodies different in partisan colour and tendencies than those which preceded them. Therefore, the withdrawal of un-voted bills might be explained as being an attempt to avoid critical clashes and differences in the legislative organs. Also Majlisu'n-Nuwwāb: Mahādiru'l-Jalasāt, IX-i, S.6, p.2.

(2) It is worth noticing that in cases of urgency this step of the procedure to refer a bill to one of the standing committees was

committee, and the power of the chamber to compel it to present its report on the matter. The rules of parliamentary procedure allowed the maximum time of a month for any standing committee on any matter which was remitted to it for examination, unless otherwise decided. If a committee did not present its report within the fixed period, it was the President's right to enquire into the reasons for the delay and to let them be known to the House which had the right to extend the period. After the expiry of the extension, any member of Parliament could demand the matter to be put on the Order of the Day; and parliamentary usage was to count the lapse of time starting from the date when the committee could actually begin its work. ⁽¹⁾ Here, it can be noticed that the inability of committees to attend to every bill that came before them because of their large number

= dispensed with. Majlisu^{sh}-Shuyukh: op.cit. Art.127. It was the President who could judge the cases of urgency, and so often he decided that. Some criticism was raised, but it did not reach any effective result. Şabırî, A.: "Ta^cdilu nizâmi majlisu^d-dawlah."

Cf. The case when in the Chamber of Deputies in February 1945 a proposed resolution of non-confidence in the Wafdist President of the Audit Department was discussed. In spite of some weak opposition against the attitude of the majority and the government, the Chamber decided to discuss the matter without referring it to any of the standing committees. La Chambre des Députés: op.cit. IX-i, S.6, pp.2-3.

- (1) Majlisu^{sh}-Shuyukh: op.cit. Art.153; Majlisuⁿ-Nuwwâb: Al-Laⁱhātu^d-dākhiliyah, Art.66; Kamil: op.cit. p.107. Cf. Majlisuⁿ-Nuwwâb: Mahadiru^l-Jalasat, IX-v, S.21, p.759. When a Deputy protested because of the delay of the Committee of Propositions and Petitions to report on a private member's bill which he had initiated, the only course taken by the Chamber was to ask that particular standing committee to explain the reasons for that delay.

offered a good opportunity to let the undesirable bills, especially private members' bills, die. At the same time, however, any single member of Parliament could start a discussion about any delayed bill and bring it in front of the Chamber to be deliberated and a vote taken on it.

One may now consider the competency of either of the two chambers of Parliament to compel the other to take urgent measures in discussing a certain bill. It was a constitutional principle that neither of the two chambers had any direct power to criticise the work, the procedure, or the members of the other.⁽¹⁾ The fundamental principle of the Rules of Procedure was that the legislature had inherent power to preserve itself and to prevent interferences with its lawmaking process, dignity and independence. Therefore, either of the two chambers could exercise only the psychological power of demonstrations to influence the ministers who had the right to speak in both houses of Parliament. Such demonstrations might develop into a resolution passed by one of the two chambers begging the government to urge the other chamber to proceed in the discussion of a certain bill. One ought not to forget that a bill judged by either of the two chambers as being significant and urgent, could not escape the usual procedure unless a similar resolution was taken by the other chamber.⁽²⁾

(1) Kāmil: op.cit. p. 284.

(2) Ibid. pp. 160-165; Sabry: op.cit. p. 122.

Cf. The legislation regarding the foundation of the post of Commander-in-Chief of the Armed Forces in January 1951. It was discussed and voted as an urgent matter, on the request of the government, after a resolution to that effect had been passed in each of the two chambers. Majlisu'n-Nuwwāb: op.cit. X-i, S.3, pp. 15-17.

Once a bill, whether governmental or private members', was transferred to a committee, the committee proceeded to discuss that subject and ought to report on it, as explained above, within a month. It might happen that a certain bill was the subject of interest for more than one standing committee. In this case it was referred to the committee most closely concerned in the matter to be discussed and reported on, the other committees giving the chamber the benefit of their observations; or it was referred to all the committees concerned, which met as one committee electing its own chairman and secretary.⁽¹⁾

To facilitate its job, a standing committee could seek the advice and help of experts from outside, and invite competent ministers, their representatives and the author of a private members' bill to attend its meeting in a consultative capacity. The author of a private member's bill could participate in the deliberations of the committee and explain his views, but should retire whenever the committee voted.⁽²⁾ Although meetings of standing committees were usually held in camera, members of the chamber who were not members of the committee could attend its meetings on condition that, unlike the author of a private member's bill, they should not participate or interfere in the deliberations of the committee, and, like him, should retire whenever votes were taken.⁽³⁾ For the effectiveness of a committee's decision, a quorum of five of its members was required

(1) Majlisu'sh-Shuyūkh: op.cit. Arts. 127 & 65.

(2) Ibid. Arts. 145, 147 & 149; Majlisu'n-Nuwwāb: Al-Lā'ihatu'd-dākhiliyah, Art. 61.

(3) Majlisu'sh-Shuyūkh: op.cit. Arts. 144 & 145; Majlisu'n-Nuwwāb: op.cit. Arts. 60 & 61.

at its meetings. Decisions were reached by absolute majority, and in case of equality of votes on both sides, the chairman of the committee gave the casting vote, on condition that this should be mentioned in the committee's report. (1)

When a bill was taken up by a standing committee, the first step was to designate one of its members as the reporter whose duty was to shoulder the responsibility of preparing the committee's report on the bill and of defending and explaining it in the chamber. (2) This was similar to the method adopted in the French Parliament of the Third Republic, and unlike that adopted in the American Congress where the chairman of the committee undertakes to manage and report on every bill taken up by the committee. (3) In case the reporter was absent from the sitting of the chamber during which deliberations on the report took place, the members of the committee attending that sitting appointed one of themselves to replace the absentee. Although parliamentary traditions were that the reporter should represent the viewpoint of the majority of the committee, in certain cases where a powerful minority was found two reporters were designated by the committee to represent the views of both the majority and the minority and expound them to the Chamber. (4)

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- (1) Majlisu'sh-Shuyukh: op.cit. Arts. 144 & 154. The quorum required for the effectiveness of the meetings of standing committees in the Chamber of Deputies was one third of their members. Majlisu'n-Nuwwāb: op.cit. Art. 56.
 (2) Majlisu'sh-Shuyukh: op.cit. Art. 156; Majlisu'n-Nuwwāb: op.cit. Art. 65.
 (3) Ogg: European governments and politics, p. 559.
 (4) Majlisu'sh-Shuyukh: op.cit. Art. 156; Majlisu'sh-Shuyukh: Al-La'ihatu'd-Dakhiliyah Ma'a'l-Mabādi' wa't-tā'liqāt, p. 262.

Meetings of standing committees were held, as mentioned above, in camera. A permanent staff was attached to each of these committees not so much in order that the public would be provided with full reports about the functioning of the committees, but because the presence of such a staff would fix responsibility, define arguments and stimulate a collective and personal interest in the work. However, the minutes of such meetings were kept secret, and the public was not admitted to any meeting. Therefore, it is rather difficult to assess the inter-relations between the parliamentary standing committees and other official bodies especially the Cabinet and the chamber. Such inter-relations influence, and therefore, are important in the study of the working of parliamentary institutions. However, the reports of the standing committees may provide some source of information in that respect. These reports contained occasionally some indication of the influence exerted by the Cabinet and individual ministers on the committees. (1) As regards the relation between the chamber and its committees, it seems that since

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- (1) (a) During the deliberations on the 1941-42 Budget, there existed differences between the Chamber of Deputies and the Cabinet. The Committee of Finance supported the viewpoint held by the Cabinet, and to this fact reference was made in the address given by Abdul Rahman El-Bialy, the chairman of that committee. La Chambre des Députés: op.cit. VII-iv, S.31, pp.241-245.
 (b) See Ibid. VIII-ii, S.5, pp.57-60. The Committee of Justice agreed to the viewpoint of the Cabinet with regard to legislation providing for the amnesty of political crimes. Moreover, it insisted on these views in the chamber despite some opposition found in the chamber against the attitude of both the Cabinet and the Committee.
 (c) Very often the committees introduced some amendments into legislation presented to them. When these amendments were of significance, the report of the committee usually referred to them as had been approved by the Cabinet. For example: Ibid. VIII-iii, S.33, p.313.

the house of Parliament was the main legislative organ, and the committees were merely a means to facilitate the working of Parliament, the dominant authority was, therefore, the chamber.

When a committee completed its report on a certain bill, it presented that report to the President of the chamber who listed it on the Order of the Day of the next sitting. Once the committee stage of a bill was passed, the report along with the text of the bill and an explanatory note had to be distributed among members of the house forty-eight hours before the debate.⁽¹⁾ The reports were usually composed of the following elements: a written history of the problem, an analysis of the immediate social situation which had evoked parliamentary action, a critical description of earlier legislative proposals, a critical examination of the project before the committee, and its recommendations. There is no doubt that such a report in the hands of the member of Parliament, if he cared to make use of it, offered him a sound basis for participation in the debate. Therefore, it is no wonder that frequently members of Parliament criticized the negligence, and the delay of the distribution of these reports; and very often debates were postponed for that very reason.

Before a debate on any bill was commenced, its text and the standing committee's report on it were required to be read. This part of the procedure was dispensed with, and usually it was considered sufficient to cite the text of the bill and the report of the

(1) Majlisu³ sh-Shūyūkh: Al-Lā'ihatu³ d-Dākhiliyah, Art. 162;
Majlisu³ n-Nuwwāb: Al-Lā'ihatu³ d-Dākhiliyah, Art. 62.

standing committee on it in the minutes of the debates. Then, first of all, a discussion on the nature and objects of the bill in general took place. A vote on whether the chamber desired to proceed to discuss the bill article by article was necessary. If the vote was negative, the bill was dead until it would be renewed not earlier than the following parliamentary session.⁽¹⁾ If, however, the decision was favourable, consideration of the bill in detail proceeded. Even legislation required by the Constitution was not exempted from that part of the procedure which was considered a first reading of the bill, i.e., from a vote on the nature and objects of the bill in general. For instance, when the Senate began its discussion in May 1924 on a bill fixing the emolument of members of Parliament, in spite of the fact that the Constitution in Article 118 provided for such emolument being fixed in due course by law, the Senate, although there was some objection, voted on the bill in principle before proceeding to debate it in detail.⁽²⁾ Precedents are found, however, for the practice that in cases of urgency and according to decisions taken by the chamber, that particular part of the procedure might be dispensed with.⁽³⁾

Once the chamber had voted in favour of a bill on the first reading, it proceeded to examine, discuss and vote on it in detail,

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- (1) Majlisu 'sh-Shuyūkh: op.cit. Arts. 133 & 135; Majlisu 'n-Nuwwāb: op.cit. Arts. 116 & 96.
 (2) Majlisu 'sh-Shuyūkh: Al-Lā 'ihatu 'd-dakhiliyah Ma'a'l-Mahādi' wa't-ta'liqāt, p.346.
 (3) Ibid, p.351.

i.e., article by article. This was considered a second reading of the bill, and was in accordance with the provisions of Article 104 of the Constitution which necessitated for the passage of any bill that it should be voted on clause by clause. The ratification of any bill was definite after being approved in the third reading which could not take place before the lapse of three days after the second reading.⁽¹⁾ This provision seems to be both legitimate and prudent. Decisions of Parliament being applicable to all the people, they should be taken only after long and deep reflection and consideration. The interval between the second and third readings of a bill may appear as a guarantee against hasty decisions taken in Parliament, but it seems to be more effective in a unicameral parliamentary system than in a bicameral one, where the second chamber is considered to be a check on and control over the hasty actions of the lower house. In cases of urgency, however, the Senate decided to proceed to the third reading of a bill without the lapse of the three days. Moreover, it carried on with the three readings or the last two of some bills at one sitting; examples of such cases are numerous in the parliamentary history of Egypt.⁽²⁾

(1) Majlisu' sh-Shuyūkh: Al-Lā'ihatu 'd-dākhiliyah, Art. 175; in the Chamber of Deputies, bills were to be read only once unless the reporter of the standing committee or the cabinet asked for another. The definite vote on a bill could not be taken except after the lapse of four days from the debate on it. Majlisu'n-Nuwwāb: op.cit. Arts. 95, 100 and 101.

(2) Majlisu' sh-Shuyūkh: Al-Lā'ihatu 'd-dākhiliyah Ma'a 'l-Mabadi' wa't-ta'liqāt, pp. 341-344.

It was only after the bill had been adopted, i.e., after being read for the first time, and not before, that amendments were in order. Amendments proposed by members of Parliament had to be presented in writing to the President of the Chamber. Although some amendments might be discussed by the chamber without being referred to the standing committee which had examined and reported on the bill, a bill materially altered by amendments was likely to be sent back to the committee for examination and revision before it was finally passed. It is important to note that the reference of amended bills to the competent standing committees had to be recognised whenever it was demanded by the government, the chairman of the committee or the reporter of that committee which had reported on the bill. The debate was usually suspended until the committee could consider the amendments, although sometimes, if the amendments affected only a minor part of the bill, the members could continue their debate. (1)

Closure of the debate was pronounced by the President of the chamber when no member demanded the floor. When there were members who wished to express their views, the closure was not applied unless a motion was raised by the President or ten members, and the chamber by a majority of votes accepted it. (2) Some critics considered these provisions inadequate to guarantee the freedom of debate, and demanded

(1) 1923 Constitution, Art. 104; Majlisu^{sh}-Shuyūkh: Al-Lā'ihatu^d-dakhiliyah, Arts. 167 and 168; Majlisuⁿ-Nuwwāb: op.cit. Arts. 97, 98 and 99.

(2) Majlisu^{sh}-Shuyūkh: op.cit. Arts. 176, 177 & 178; Majlisuⁿ-Nuwwāb: op.cit. Art. 42. Attention should be paid that twenty was the number of Deputies required in the Chamber of Deputies to move a motion for the closure of the discussion.

the application of the old French system which had required two persons of opposing views to have a chance to speak on the matter before the closure of the debate was pronounced as a measure of ensuring that different views would be heard in Parliament. (1)

The closure of the debate on a bill was followed by the taking of a vote on it. The rules provided for three ways of taking a vote, all of which were directed by the President. The most common ways were the mass oral voting and the rising vote. Usually the oral vote was put into practice when the attitude of the chamber was clear. In case of doubt about the result of an oral vote, the vote could be re-taken according to the rising method voting being expressed by the sitting and standing of members. If there still existed doubt about the result reached through the sitting and standing of members, a vote taken in reverse manner was necessary to confirm the conclusion which the chamber had reached. Moreover, in case none of the above-mentioned methods of voting proved sufficient to show the will and real inclination of the chamber, and in cases stipulated for by the Constitution and the Rules of the Procedure, the third way of taking a vote, namely by calling the names, was necessary. It is important to notice that the Egyptian Parliament did not use as a means of voting the lobby method, familiar in the House of Commons in Britain. (2)

(1) Kāmil: op.cit. p. 180; Cf. Ogg: op.cit. pp. 562-563.

(2) 1923 Constitution, Art. 101; Majlisu'sh-Shuyukh: op.cit. Arts. 187-191; Majlisu'n-Nuwwab: op.cit. Arts. 128-131; Kāmil: op.cit. pp. 223-230.

Before discussing the consequences of the ratification or rejection of a bill by the Senate, one should notice that great care was taken to prevent the two chambers of Parliament debating one subject simultaneously. Moreover, synonymous or nearly synonymous resolutions concerning a bill under discussion in either of the two chambers could not be taken in the other until the first had concluded its debate on the bill.⁽¹⁾ After being voted by the Senate, all bills whether governmental or private members', were conveyed by the President to the President of the Chamber of Deputies if they had been (a) initiated by Senators, or (b) presented by the government to the Senate prior to their presentation to the Chamber of Deputies, or (c) amended by the Senate after being previously approved by the Chamber of Deputies. If a bill passed by the Chamber of Deputies, was ratified by the Senate without being amended, the President of the Senate conveyed it through the competent minister to the King to get the latter's sanction.⁽²⁾

This was the procedure with a bill which had the ratification of both chambers of Parliament; but what would be the situation if differences occurred in the voting of the two chambers on a particular bill, whether because of the introduction of amendments or its rejection by one of the two chambers? The principle was that the two

(1) Majlisu'sh-Shuyūkh: op.cit. Art. 163; Majlisu'n-Nuwwāb: op.cit. Art. 140; Majlisu'sh-Shuyūkh: Al-Lā'ihatu'd-dākhiliyah Ma'a'l-Mabadi' wa't-ta'liqat, pp. 422 et seq.

(2) 1923 Constitution, Arts. 34 & 105; Majlisu'sh-Shuyūkh: Al-Lā'ihatu'd-dākhiliyah, Arts. 195 & 196.

chambers of Parliament were equal in power and both should approve every bill before it became a law. Therefore, when a deadlock between the two chambers of Parliament occurred, some compromise acceptable to both was to be sought; otherwise the bill would die.

In the Committee of the Thirty, two successive proposals to end deadlocks which might occur between the Senate and the Chamber of Deputies were presented. First, it was suggested that the Chamber of Deputies should have superiority over the second chamber and that once the two chambers disagreed on a legislative subject and the Chamber of Deputies re-considered it and approved it by a majority of two thirds, that subject should be considered ratified by Parliament. When this proposal was rejected, another was offered which aimed at giving the Chamber of Deputies the right to dissolve itself whenever it came to a deadlock with the Senate on legislative matters on condition that two-thirds of the Deputies should so demand. The matter under dispute would then be settled if a newly elected Chamber of Deputies ratified it in spite of resistance and objections in the Senate. Again this second suggestion was rejected on the same grounds as the first: they were considered to be contradictory to the principle of parity of the two chambers of Parliament and an attempt to annihilate the power of the Senate.⁽¹⁾ The attitude of the Committee of the Thirty was criticised because the application of the second proposal would not hamper the equality between the Senate and the Chamber of Deputies. It involved the sacrifice of the Deputies

(1) Mahādir Lajnatu'l-Thalāthīn p. 95.

when they would prefer consulting the people on a vital bill to retaining their seats. In such a case, when a new Chamber of Deputies would give a definite vote on a disputed bill, the superiority would not be to the Chamber of Deputies, but to the people who expressed their will in the elections; nor would the Senate yield to the Chamber of Deputies but to the nation from whom all powers emanated. At the very time when the attitude of the Committee of the Thirty towards these proposals was being criticised, the proposals themselves were not accepted by those who criticised the Committee. They thought that the proposals were unpractical as it was hardly possible to imagine the Chamber of Deputies rushing to dissolve itself over every difference with the Senate on legislative matters. (1)

The usual device adopted however, was that each chamber appointed a committee to discuss with the other the points of difference. When the two committees met, the chairman of the Senate's Committee presided. If either of the two chambers of Parliament refused to appoint the committee to represent it, or if the two committees failed to eliminate the differences, neither of the two chambers could discuss the bill again except after the lapse of a month beginning from the date of the last motion dealing with it in Parliament. (2)

The question might arise: What would be the solution if the differences continued after the expiry of the period? Here it should be remembered that no bill was definitely passed by Parliament unless it

(1) Sabry: op.cit. pp. 128-130.

(2) Majlisu' sh-Shuyūkh: op.cit. Arts. 199-201; Majlisu' n-Nuwwāb: op.cit. Arts. 144-147.

had been ratified by both Chambers of Parliament. This, however, constituted a powerful stand for the critics who demanded more powers and authority for the popular representative assembly. While there was no solution except death to a bill rejected by one chamber of Parliament and approved by the other, it was because of the importance of the Budget that the two chambers were required to meet in congress to discuss, settle and approve any disputed part of it. ⁽¹⁾

One good example of a conciliatory solution of a deadlock between the Senate and the Chamber of Deputies was seen when the two chambers in 1950 voted on the legislation establishing the University of Ibrahim Pasha. It was on Article 14 of that bill, which dealt with the appointment of deans of the faculties in that university, that they differed. The Chamber of Deputies ratified the legislation giving the Minister of Education only the right of choice from among three candidates selected by the council of the faculty. On the other hand, the Senate accepted the viewpoint of the Cabinet and passed the legislation giving the minister the right to nominate the dean from among the five professors who should have had the longest term in the professorship. The Chamber of Deputies, however, insisted on its point of view, and accordingly each of the Senate and the Chamber of Deputies commissioned a special committee, each committee was composed of five members, to meet, to discuss, and to try to reach a compromise on the disputed point. The solution was found in that the committee representing the Chamber of Deputies was convinced by the

(1) 1923 Constitution, Art. 166; Majlisu'sh-Shuyukh: op.cit. Art. 202.

views of the Senate, and recommended the amendment of the legislation accordingly. The Chamber accepted that recommendation and approved the amendment introduced into the legislation by the Senate. (1)

On the other hand, in 1939 the government initiated a fiscal reform which began by the imposition of certain taxes. One of the proposed taxes was the imposition of death duties (or the inheritance tax), which was approved by the Chamber of Deputies, dominated by non-Wafdists, while the Senate with its Wafdist majority rejected it. So a deadlock was created between the two chambers of Parliament, and attempts were made to seek a way out of the crisis. It was because of the difference of party colour of the majorities in both the Chamber of Deputies and the Senate, that each of the two houses insisted on its attitude. Moreover, the Cabinet did not wait for conciliation or compromise to be reached between the two chambers, but rushed to incorporate this particular tax in the Budget law. This action of the government did not produce any effective change in the situation. On the contrary it worsened the position because as a result of the refusal by the Senate of that part of the Budget law containing the death duties, the government thought not of convoking Parliament in congress to discuss the disputed Part of the Budget, but of dissolving the Senate. It was not until after the resignation of the cabinet (because of the deterioration of the health of the Prime Minister) that the situation calmed down. The new cabinet did not press the imposition of that tax and Parliament went into recess

(1) Majlisu'n-Nuwwāb: Mahadiru'l-Jalasāt, S.28, pp. 26-27 & p. 53, S. 34, pp. 32-35. See also the report of the special committee cited in p. 127. Cf. The difference between the two chambers on the creation of the journalists' guild (Ordre des journalistes) La Chambre des Députés: op.cit. VII-iv, S.7, p. 26.

without making any attempt to settle the question.⁽¹⁾ The imposition of death duties was delayed until 1942 when it was approved by both chambers of Parliament.

The relative success or failure of a representative institution is a matter of opinion. As regards the legislative function of the Senate in Egypt, one could say that this legislative body succeeded in attracting to itself wide popular attention and esteem. In spite of the fact that appointment to the Senate became largely a matter of preferment for party political services, it was commonly in the political limelight, on the headlines of newspapers, and often influenced profoundly policies and legislation.

As shown above, although the Constitution laid down the principle of parity between the Senate and the Chamber of Deputies, the former, theoretically speaking, seemed inferior to the latter because deprived as it was of the right to initiate bills imposing taxes, and of the right to vote in confidence in the Cabinet. The priority of the Chamber of Deputies in discussing and voting on the Budget further accentuated the difference. Nevertheless, as mentioned above, the Senate extended its authority and was able to acquire the right to amend money bills in a manner which was equivalent to initiating them. Moreover, not only did the Senate amend financial legislation,⁽²⁾ but

(1) Great Britain and the East, Vol. LIII, No. 1468, p. 40; No. 1470, p. 98; No. 1474, p. 199.

(2) See *supra*, p. 337 For further proof:

(a) The Senate did not accept the viewpoint of the Chamber of Deputies with regard to the imposition of taxation on moveable capital, industrial and commercial profits, and income from work. It amended the bill and returned it to the Chamber of Deputies which submitted to the Senate's opinion. Majlisu'n-Nuwwab: op. cit. X-i, S. 31, pp. 35 et seq.

it also introduced important changes in the Budget⁽¹⁾ and amendments into ordinary legislation.⁽²⁾ To most of such amendments the Chamber of Deputies consented and accepted the Senate's viewpoint; illustrating thereby that the Senate had gained an effective and more powerful position in the political structure of Egypt than had been intended for it.

II - The Control Over the Executive.

The functions of parliamentary institutions are not exclusively legislative. "The practical supremacy in the State should reside in the representatives of the people;"⁽³⁾ and therefore, representative assemblies should control the executive power in order to keep it within the limits of the policy they support. Nevertheless, the control of the executive by Parliament should not mean its continuous

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- = (b) When the government in 1950 presented a bill regulating taxation on places of entertainment, the Chamber of Deputies did not accept the whole bill as presented but introduced some amendments. These amendments were rejected by the Senate which accepted the Cabinet's views. Moreover, this attitude of the Senate persuaded the Chamber of Deputies to reconsider its attitude towards the bill and approve it as it had been framed by the Cabinet. Ibid X-ii, S.34, p.13.
- (1) Such changes were introduced into the Budget in different years. They covered different aspects and items of the Budget. See: La Chambre des Députés: op.cit. IX-ii, S.40, p.388; S.41, p.405; IX-iv, S.34, pp. 1-2; Majlisu'n-Nuwwāb: op.cit. IX-v, S.33, p.1773; S.34, pp. 1890-1892, S.35, p.2143; X-i, S.36, pp.12-13; X-ii, S.31, pp.44-46.
- (2) Examples of amendments introduced into ordinary legislation by the Senate and accepted by the Chamber of Deputies are the following:
- (a) The restriction of transactions in grains and cereals. La Chambre des Députés: op.cit. VII-iv, S.25, p.196; S.48, pp.425-426.
 - (b) The creation of the "Barreau Charii" Ibid, S.34, p. 277.
 - (c) The regulation of navigation in inner waters, Ibid, S.34, pp.286-287.
 - (d) The organisation of the individual's contract for work. Ibid. VIII-iii, S.24, pp.274-275.
 - (e) The establishment of an association and union for medical professionals. Majlisu'n-Nuwwāb: op.cit. IX-v, S.21, p. 753.
- (3) Mill, J.S.: Considerations on representative government, p. 163.

intervention in the administration and its positive participation in the execution of the law because Parliament "does not exist to govern, and if it assumes the character of a government, it will be going beyond the generality which is its nature and trespassing on the sphere of the particular."⁽¹⁾ Parliament should confine itself and act no more than as a judge and a corrector of the Cabinet and its administrative assistant because the "result of joint work of Parliament and the executive is better than where Parliament attempts to interfere more positively."⁽²⁾

The Egyptian Parliament derived its authority to control the executive power from its position as the representative of the people, who were considered the source of all powers in the State. The two provisions in the Constitution that "every member of Parliament has the right to address to ministers questions or interpellations,"⁽³⁾ and that "each chamber has to institute an inquiry for its enlightenment upon public matters coming within its competence"⁽⁴⁾ formed the foundation of Parliament's right to control the executive. Let us now study the ways by which the Senate could exercise its control over the executive.⁽⁵⁾

(1) Barker: op.cit. p. 46.

(2) Finer: op.cit. Vol. II, p. 863.

(3) 1923 Constitution, Art. 107.

(4) Ibid, Art. 108.

(5) The methods by which the Senate practised its control over the executive, and which form the subject of our study in this section, were shared with the Chamber of Deputies. In addition to them, this latter organ could exercise other methods by which it could keep the government under its control; they will be the scope of study in the following Chapter.

1. Questions.

The right of members of Parliament to address questions to ministers is recognised in all parliamentary democracies. Questions are a form of procedure through which Parliament can exercise detailed control of administrative actions. They concern matters for which the government is responsible, and cover the whole field of the nation's life. Although their actual scope varies immensely from day to day according to the change in the atmosphere of public life, they turn a searchlight upon every corner of the public service. Although questions are ostensibly meant to elicit information, they are also used for a variety of other purposes: to expose abuses, to ventilate grievances, to extract promises, and to embarrass the government.

In the Parliament of Egypt, a question should be drafted in a summary form and to the point, concerned with facts and not opinion. It may demand information on action, but it must not repeat rumours nor newspaper gossip. The subject matter of a question should be in the sphere of ministerial responsibility. The question which should be addressed to the responsible minister, should not contain any imputation against a third party mentioned by name and should not be connected with a case in front of the judiciary. In general, questions should not contain anything which was not absolutely essential to the intelligibility of the subject; no names and no statements which could be left out, and particularly, no ironical or hypothetical expressions were allowed to remain in the contents. (1)

(1) Majlisu'sh-Shuyukh: op.cit. Arts. 203 & 205; Majlisu'n-Nuwwāb: Al-Lā'ihatu'd-dākhiliyah, Arts. 148 & 149; Cf. Bryce: op.cit. Vol. II, pp. 510-511 & 539.

The asking of a question was a personal act, and therefore, it could not be put in the name of more than one member. The procedure was very simple: the questioner should present his question in writing to the President whose duty was ^{to} notify the questioned minister and put the question on the Order of the Day of the following sitting. The question could not be answered sooner than eight days after its presentation unless otherwise decided with the consent of the questioned minister. ⁽¹⁾ Here attention may be paid to the differences in the procedure in Egypt, Britain and France. The system adopted in Egypt was similar to that which is in practice in Britain and which requires that the question be presented in writing. In France, according to the standing orders of the Third Republic, the presentation of questions was permitted orally. Moreover, the question in France might not be put unless the questioned minister had accepted it, while in Egypt the member's right to put any question was absolute. ⁽²⁾ In Egypt however, if ministers felt that answering particular questions would create embarrassment to them and to the Cabinet; they could demand the postponement of delivering their answers. Precedents of that kind are innumerable, and usually the executive managed to avoid answering undesirable questions altogether if it so desired, by the continual postponement of answering the question.

(1) Majlisu^{sh}-Shuyūkh: op.cit. Art. 204; Majlisuⁿ-Nuwwāb: op.cit. Art. 150.

(2) Kāmil: op.cit. pp. 238-239; Finer: op.cit. Vol. I, pp. 709-710; Vol. II, p. 865; Campion, G.: An introduction to the procedure of the House of Commons, pp. 145 - 147.

It was the usage of the Egyptian Parliament to devote half an hour at the beginning of every sitting to answering questions; the remainder of unanswered questions proposed to be answered in an appropriate sitting was usually postponed and enlisted on the Order of the Day of the following sitting.⁽¹⁾ Proceedings upon answers to questions started, as in Britain, with the minister's answer. When the minister had answered a question, it was the questioner only who had the right, and for once only, to demand more elucidation or comment on the minister's answer on condition that he was brief and kept strictly within the limits of the original question. These limitations may be due to the attempt to avoid the transference of questions into interpellations which must follow certain procedure other than that appropriate to questions. Attention is drawn to the fact that, unlike the British tradition, no supplementary questions usually considered as giving a chance to a representative assembly to effectively exercise its control over the executive, could arise from questions in the Egyptian Parliament. Although the question excluded discussion by all members of Parliament except the questioner who could only take part in the process of its being answered, ministers other than the questioned minister might participate and give explanations after the questioner had commented on the answer. This could have established a method by which other members might take part and develop the question into something of greater significance; but again, it was the questioner only who had the right to answer and give

(1) Majlisu ^{sh}-Shuyūkh: op.cit. Art. 211; Majlisu ⁿ-Nuwwāb: op.cit. Art. 155.

his views, if he had any at all. ⁽¹⁾

Along with questions answered orally in Parliament, there were questions which could be dealt with in writing. ⁽²⁾ Although many questions were not suitable for this kind of treatment, it was however, practised when a trend of self-denial was found in members who were willing to forego the fame or pleasure of questioning ministers orally. The questioned minister had to send his reply to the Senate within a week, unless he asked for an extension which should not exceed one month. ⁽³⁾ Questioned ministers might not answer written questions, or in certain cases might give unsatisfactory answers; in such circumstances the questioner had the right to convert his written question into an oral one or an interpellation. As the public should know about the working of Parliament, all answers to written questions were published in the Official Journal. Written questions, however, were of minor importance and small in number in comparison with orally answered questions.

Although questions were of some value in revealing facts and actions which might be hidden they did not bring effective results as they did not give any opportunity for debating and taking resolutions on their subjects. If the significance of parliamentary

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- (1) Kāmil: op.cit. pp.240-241; Cf. Finer: op.cit. Vol.II, p.865; Marriott: op.cit. Vol.I, pp.571-575.
 (2) Majlisu^{sh}-Shuyūkh: op.cit. Art.208; Majlisuⁿ-Nuwwab: op.cit. Art.152. Cf. The "unstarred" questions in the British Parliament; Finer: op.cit. Vol.II, pp.865-866; Campion: op.cit. p.147.
 (3) In the Chamber of Deputies, the limit of time which the minister had to present his answer to a written question was a month.

questions in Britain lies in the fact that the House of Lords can debate their subjects and that in the House of Commons supplementary questions can be an effective means of revealing defects in the working of the governmental machine, in Egypt, the sole significance was the revelation of unknown facts and the probability of their being a prelude to an interpellation.⁽¹⁾

2. Interpellations.

The Constitution provided for another and more effective means through which the legislature could control the executive power.⁽²⁾ This was the interpellation, which was like a parliamentary question in demanding from the government information, and unlike it, in giving rise to a debate and the taking of a vote. The main difference between questions and interpellations which were deemed to be immediate and fundamental implications of the principle of ministerial responsibility, was that the former commonly related to minor details of administration, while the latter bore directly on matters of policy. In general, as Finer defines it, "the interpellation is a kind of question, long and rather querulous, of the nature of the English vote of no confidence, and its purpose is to put the government to the trouble of explaining its objects and methods in the particular branch of its policy and administration which is attacked."⁽³⁾ The

(1) Sabri: op.cit. p. 567; Kamil: op.cit. p. 241; Majlisu'sh-Shuyukh: op.cit. Arts. 207-209; Majlisu'n-Nuwwab: op.cit. Arts. 153 & 154.

(2) 1923 Constitution, Art. 107.

(3) Finer: op.cit. Vol. II, p. 869. Cf. Kamil: op.cit. p. 244; also Hamid Gudah, President of the Chamber of Deputies, saying "an interpellation tends to demand from the Cabinet or from an individual minister to present an account for an action relative to the administration of public affairs." La Chambre des Députés: op.cit. IX-i, S.3, p. 10.

scope of the right of members of Parliament to interpellate ministers was so wide as to comprise any action of the executive power.⁽¹⁾ The subject matter of interpellations extended to include the appointment of particular ministers; but, notice should be taken of the fact that the nomination of the Prime Minister, which was one of the functions and rights of the Head of the State who was non-responsible for his acts, could not be the subject of an interpellation. On this basis, an interpellation about the circumstances leading to the appointment of Nahas Pasha as Prime Minister in February 1942 was rejected in the Senate.⁽²⁾

The procedure of presenting an interpellation was similar to that of addressing a question. The member who wished to interpellate one minister or more, had to present his interpellation in writing to the President with a brief explanation of its subject and object. The President at once informed the government, acquainted the chamber with the interpellation presented and fixed a date for its discussion. The fixing of that date could not occur until after the views of the interpellated minister concerning the interpellation had been heard. The minister could ask for elucidation of the interpellation from the interpellator, and would not express his views until he had heard the interpellator's explanation. The discussion on the fixing of a date for the debate of an interpellation could not take place until after eight days from its presentation, unless the chamber with the consent

(1) Majlisu^{sh}-Shuyūkh: op.cit. Art. 214; Majlisuⁿ-Nuwwāb: op.cit. Art. 157.

(2) Sabri: op.cit. pp. 267-268, Kāmil: op.cit. pp. 245-246.

of the interpellated minister decided otherwise. ⁽¹⁾

Although the debate on the question of fixing a date for the discussion of an interpellation ought to be solely devoted to that matter, this occasion might be used for the initiation of a short debate on the spot upon the subject of the interpellation. Here the President should use his authority to bring to an end such discussion and ask the chamber to confine its work to the fixing of the date for that discussion. ⁽²⁾ In the meantime where these provisions were found, and which may be considered a protection for the executive against hasty accusations from the legislature, and which may not be expected and consequently might lead to grave repercussions, there was some safeguard of the legislature in practising its right to interpellate the government against the attempts of interpellated ministers to escape the discussion of interpellations. In particular, a provision that the discussion of interpellations relevant to the internal policy of the government should not be postponed for more than a month was laid down. ⁽³⁾ In spite of that clear provision, interpellated ministers could request the postponement of the discussion for more than a month, but the chamber alone was the competent authority to accept or reject that request. Incidents are found in the history of the Egyptian Parliament where the discussions of interpellations concerned with the government's domestic policy were postponed for more than a month. ⁽⁴⁾ The failure of Parliament in Egypt to

(1) Majlisu 'sh-Shuyūkh: op.cit. Arts. 215 & 216; Majlisu 'n-Nuwwāb: op.cit. Arts. 158 & 159.

(2) Kamil: op.cit. p. 247.

(3) Majlisu 'sh-Shuyūkh: op.cit. Art. 216; Majlisu 'n-Nuwwāb: op.cit. Art. 160.

(4) Majlisu 'sh-Shuyūkh: Al-La'ihatu 'd-dākhiliyah ma' a' l-mabai 'wa' t-ta'liqat, p. 185.

put into proper practice this rule of the procedure was, more or less, due to the fact that the majority of members of parliament supported the party or coalition of parties in power; moreover, the domination of the legislature by the executive would provide a further explanation.

It seems necessary to point out that while a definite maximum period during which an interpellation concerned with one aspect or another of the government's internal policy should be debated was provided by the Rules of the Procedure of both chambers of Parliament, such a limit in the case of foreign affairs was overlooked. This could have meant that the debate on an interpellation related to foreign policy could not take place within a month. This delay was perhaps due to the fact that in the realm of international relations, nations are exceedingly sensitive to any threat which might endanger them through the application of the foreign policies and plans of other States; and whereas interpellators, without the restraint of the responsibility of office, might make exaggerated statements or cause the premature divulgence of plans, it would surely be preferable to postpone indefinitely such interpellations until the interpellators could without risk be fully informed on the subject.⁽¹⁾

When the time arrived for the opening of the debate on an interpellation, the interpellator himself had the right to develop, reiterate and explain his interpellation. If several interpellations were judged to be on one subject, and consequently to be discussed all together in one sitting, the interpellators spoke in the

(1) Kamil: op.cit. pp. 248-249.

order in which their interpellations had been presented. The interpellator's speech usually contained expressions of criticism and inquiry and the interpellated minister had to reply to the points raised. On that point Makram Ebeid Pasha expressed that "interpellations should not be exclusively for members presenting them and ministers to whom they are presented. Therefore, when an interpellation is presented, a date for its discussion should be fixed. For instance, if I myself, in my authority as a Deputy for my constituency or a representative of the nation, present an interpellation, and it shall be decided that it will be discussed within a week or two, it is supposed that I come in touch with the electorate during that time and get acquainted with their opinion about the subject of the interpellation. In that way the interpellation will have its popular value"(1) Nevertheless, one could say that interpellations never acquired a popular value, and that they were merely used to embarrass the cabinet or individual ministers. In other words, they were mainly used by the Opposition in Parliament for partisan objectives, without, or at most with the slightest regard to the public opinion.

After the government had replied, instead of the matter being closed when the initiator had commented on the government's reply as in the case of questions, a general debate was opened for as long as members desired on condition that not more than four members took part in the discussion unless the chamber decided otherwise.(2) When

(1) Majlisu'n-Nuwwāb: Mahādiru'l-Jalasāt, IX-v, S.5, p. 54.

(2) Majlisu'sh-Shuyūkh: Al-Lā'ihatu'd-dākhiliyah, Art. 219. In the Chamber of Deputies there was no limit to the number of members who could participate in the discussion of an interpellation.

Majlisu'n-Nuwwāb: Al-Lā'ihatu'd-dākhiliyah, Art.163.

the discussion of an interpellation was over, the final stage of this type of control over the executive was reached. Several motions were pending, amongst which one had priority over any other motion. This was usually to the effect that the Chamber had discussed the matter sufficiently and was ready to pass to the remainder of the Order of the Day.⁽¹⁾ The adoption of such a motion signified that the chamber would simply proceed to the next item on the Order of the Day, without recording any statement of its views. Usually there was a motion to that effect amongst others of different tendencies, and frequently interpellations ended at such a point. Therefore, one could say that interpellations never served as a measure of control over the Cabinet except theoretically and psychologically. In other words, it was only the fact that members of Parliament might interpellate ministers that induced the executive to be cautious in their administration.

Although most of the interpellations discussed in the Egyptian Parliament ended with the decision of the Chamber to pass to the Order of the Day, such discussions could end in a different way. The chamber could pass a resolution expressing its confidence in the government but with an adjuration to the Cabinet to take a certain action. Moreover, it could pass a resolution blaming the Cabinet for a part of its policy or administration. However, it is important to point out that such conclusion was never reached by either of the two chambers of Parliament. It is true that interpellations covered

(1) Majlisu ^{sh}-Shuyūkh: op.cit. Art. 230; Majlisu ⁿ-Nuwwāb: op.cit. Art. 114.

different aspects of life in Egypt, ranging from problems of local government to delicate foreign affairs. Nevertheless, whenever a hostile tendency was felt in the chamber the government acted accordingly and through political manoeuvring mainly dependent upon the postponement of voting on the resolution to a further sitting, the cabinet would hopefully gain time for a change in the attitude of the members, and arrange that its supporters, who usually formed the overwhelming majority, would attend to counter-check the attack.⁽¹⁾

What would be the situation of the Cabinet when a hostile resolution was adopted by the Senate as the outcome of an interpellation? Neither the Constitution nor the parliamentary annals in Egypt clarified this point. One can only say that as long as the Senate was considered to be a representative assembly, its hostility to the government would mean the hostility of the people. Therefore, it would seem that if the Senate were to adopt a hostile motion arising out of the debate on an interpellation concerning general policy, the Cabinet should resign.⁽²⁾

The question which may present itself now is: What was the significance of interpellations as a means of control over the

(1) Cf. The situation in April 1948 when the Opposition in the Senate initiated a resolution aiming at blaming the Cabinet because of its policy towards Great Britain and its efforts for the achievement of the national demands. The Cabinet succeeded to postpone casting the votes on that resolution until the following sitting. Then the ministry mobilized all its powers to quell that resolution. La Bourse Egyptienne, April 28, 1948.

(2) In the Chamber of Deputies the hostile tendency of the representative body could develop into a vote of no confidence in the Cabinet, in consequence of which it should resign. Majlisu'n-Nuwwāb: op.cit. Art. 163.

executive? No doubt they were a method of control which harassed and annoyed the government, and could be used to create variation in its policy, foreign or domestic, and in its administration.

Although the interpellation represented some danger to the life of the government, one should not forget that it was not only the nature of interpellations which could destroy ministries, but the nature of the party system and the peculiar temperament of members of Parliament could be the root causes of the fall of ministries.

One wonders how effective the Senate was in controlling the executive. It seems that in both Chambers of Parliament the practice of the function to control the executive did not extend beyond the presentation of parliamentary questions and interpellations and their discussion. The downfall of a Cabinet, or a change in its policy was never the result of parliamentary criticism. Nevertheless, it should be pointed out that questions raised in the Senate were of more public importance than those brought up in the Chamber of Deputies. As witness, one recalls the attempts in 1942 by the anti-Wafdist Opposition in the Senate to induce the government to reveal the circumstances which had resulted in the return of the Wafd to power. Moreover, in 1950, through presenting an interpellation, some Senators brought to the public notice that during the campaign in Palestine 1948-49, there had been corruption in the handling of the situation and in the provision of arms and munitions.

It has been pointed out that the Senate gained more legislative powers than had been planned for that institution, and that it seemed

more effective in controlling the executive. What were the reasons for the comparatively strong situation of the Senate? Its structure was strengthened, first of all, by the presence in its membership of a number of men of great dignity and high experience, many of them belonging to the class of 'elder statesmen.' In the second place, the Opposition in the Senate was strong, though sometimes not numerically strong (for example during 1950-1952). Therefore, it was not strange that this Opposition would persist in maintaining its rights and proving its power. Moreover, the small number of the members in the Senate might have provided a calmer atmosphere than in the Chamber of Deputies.

To begin with, what sort of people found their way into the Chamber? This question will be answered in two ways. Deputies will be looked at, first from the point of view of their education, and, secondly, from that of their profession or occupation.

It might seem a simple matter to classify members of Parliament according to the type of education they have had; but actually it is by no means easy to find a satisfactory method of doing so. Elementary education, which was compulsory and free for all children as stipulated in the Constitution, (2) was concerned only with the four R's

(1) The study applies also the Senate unless otherwise mentioned.

(2) 1943 Constitution, Arts. 18 & 19.

C H A P T E R VII.

The Chamber of Deputies.

In Chapter V, the way in which the Chamber of Deputies was elected has been examined, and as far as available material permitted, the outcome of these elections has been reviewed. Reasons for dissatisfaction with the electoral system, the electoral law, the running of elections and their results have been found and expressed. The possibility of a better method of representation has been discussed. The aim of this part is to examine how the Chamber of Deputies performed its vitally important functions of exercising on behalf of the people a supposedly prudent legislative work and an effective control over the government. In other words, it is a study of the rights and duties of Deputies, the procedure of the Chamber, and the working of that representative body.⁽¹⁾

To begin with, what sort of people found their way into the Chamber? This question will be answered in two ways. Deputies will be looked at, first from the point of view of their education, and secondly, from that of their profession or occupation.

It might seem a simple matter to classify members of Parliament according to the type of education they have had; but actually it is by no means easy to find a satisfactory method of doing so. Elementary education, which was compulsory and free for all children as embodied in the Constitution,⁽²⁾ was concerned only with the four R's

(1) The study applies also the Senate unless otherwise mentioned.

(2) 1923 Constitution, Arts. 18 & 19.

(religion being the fourth). Since pupils who finished the course of elementary education were regarded as being literate and no more, they could not enter secondary schools nor even technical or vocational schools before passing the stage of primary education. Secondary education prepared the pupils for university study, while technical and vocational schools prepared them for craftsmanship. One should notice that no universities but Al-Azhar, were found in Egypt before 1906, and that this classification of types of education had been changing from the close of the nineteenth century, because of the different policies of the various governments. ⁽¹⁾ This instability in the classification of the types of education could act as a sufficient handicap in interpreting the education of the members of Parliament. Moreover, the widely different dates at which the members had received their education would arouse suspicion against the exactness of such a classification. Nevertheless, one could try to find a classification of members to show the general tendency and the significant categories of education among members. Therefore, the classification of Deputies according to university-educated Deputies and non-university educated ones, would fulfil the objective. Attention should be paid to the fact that in a country like Egypt, where 76 per cent of the population were illiterate, one could expect to find some members of Parliament who were illiterate; but since the Constitution and the electoral law required the literacy of members of Parliament, ⁽²⁾ this probability is overlooked. Such Deputies, who

(1) Issawi: op.cit. pp. 19-21, 40-42 & 179.

(2) 1923 Constitution, Arts. 77, 78 & 85; Qānūnu'l-Intikhāb, Arts. 23 & 35.

were very few, are considered to have had a minimum of an elementary education and are added to the non-university educated group.

Table No. III is arranged according to these principles. (1)

From that table one can observe that the university educated members started with a somewhat low percentage in 1924 (37.4%). This percentage tended to increase till it reached 44.0 per cent in 1929.

But a setback to the raising of the standard of education appeared with the reactionary Constitution of 1930, for the non-university educated Deputies formed 74.0 per cent of the Chamber in the Parliament constituted in accordance with that Constitution. Since the 1938 elections an obvious, though slight tendency towards a decrease in the percentage of the non-university educated members can be noted.

Most people were aware that land owners and lawyers constituted the majority of the Chamber of Deputies, but few people knew much more than that of the distribution of occupations amongst members. (2) It is the business of this part to attempt to supply in as much detail as possible, the facts about the occupations of the members. It seems essential to recall the social structure of the Egyptian nation. The basic class in the society has been that of the peasants and the manual workers. None of this class has attained a seat in Parliament. Up on the social scale comes the middle class which has been mainly formed of the professionals, i.e. lawyers, doctors, civil servants and on the whole university graduates, and which was adequately

(1) See Appendix II, p. 490

(2) Subhi: op.cit. Vol. VI, is confined to the names and occupations of Deputies and Senators. This classification seems to be inadequate.

represented in the Chamber of Deputies. Another class is that of landlords,⁽¹⁾ and it seems that it was the dominating class in the Chamber as they used to "wield a considerable political influence in their district but their pressure (made) itself felt mainly at election time."⁽²⁾

Table IV provides some illustration of the different occupations in the various chambers.⁽³⁾ The first observation about this table is that constant increase of the number of landlords, though their percentage to the total members was unstable. A relationship between the landlord's members and the non-university educated members could be observed.⁽⁴⁾ The business group had a weak representation compared with that of the landlords and the professionals as a whole. This

(1) In this work, the person who possessed more than fifty feddans is considered a landlord. This figure seems to be acceptable because of the scarcity of cultivated land in comparison with the population. Official statistics for 1949 give the number of land-owners to be 2,731,120 and the area of the cultivated land as 5,948,134 feddans with an average of land-holding of 2.18 feddans each. These figures disregard the fact that there are millions who work and live from cultivating the land. Almanac, 1951.p.101.

(2) Issawi: op.cit. pp. 149-150.

(3) See Appendix II, p.491

(4) This relationship could be estimated through the co-efficient correlation which "measures the odds or chances that any specified value of one character will be persistently associated with a specified value of the other character observed in any other item; i.e. the chances of agreement with or deviation from some tendency or law of relationship or co-variation." (Florence, P.S.: The statistical method in economics and political science, p. 137). Mathematically, the co-efficient correlation between the two variables, i.e. the number of the non-university educated members and the number of the landlords in the Chamber of Deputies was 0.9, which is very high and proves a close relationship between both. (Bowley, A.L.: Elements of statistics, pp. 350-355).

(1) 1923-Constitution Art. 85.

(2) Malver: op.cit. p.201.

might be due to their weak stand in society and to the fact that Egyptianised industry and commerce have flourished only after the elimination of the Capitulations in 1937. Again, this could explain the doubled increased representation, which this group got in 1938 elections. The appearance of the Saadist Party in the same year could be another reason. This latter argument is strengthened by the observation that the number of business men who entered the Chamber, and their percentage to the total membership decreased in 1942 when the Saadists boycotted these elections. The middle class was represented sufficiently in the different Chambers by the professionals, i.e. lawyers, doctors and ex-civil servants. They were usually self-made men who had achieved some distinction in their professions. Lawyers usually formed the largest professional group. One should notice that they usually had more representation in the Wafdist dominated Parliaments, while ex-civil servants were more represented in those dominated by the anti-Wafdist parties.

The Chamber of Deputies was elected for a period of five years.⁽¹⁾ The determination of this length of term for this organ of the legislature seems to be a means of making it necessary for the government to appeal to the people and for the party in power to secure their confidence by the re-election of its members or be turned out of office to let another step in.⁽²⁾ But no newly elected Chamber could look forward with assurance to completing its full term. This was due to the fact that theoretically the King had the right to dissolve

(1) 1923 Constitution Art. 86. 188-173

(2) McIver: op.cit. p. 201.

the Chamber. In practice, this right of the King was actually exercised so often that, with one exception, all the Chambers that Egypt had were dissolved by the King before the expiration of the term of the constitutional mandate of their members. In a former (1) part of this work the dissolution of the Chamber has been discussed. Nevertheless, it should be pointed out here that the frequency of the use of the right of dissolution by the monarch resulted the weakness and degradation of the Chamber of Deputies. (2)

Article 86 of the Constitution which stipulated that "the duration of membership as a Deputy shall be five years" underwent different interpretations in 1949 when the term of the Chamber of Deputies was due to expire. The coalition government of the Saadists and Liberal Constitutionalists and other anti-Wafdist parties insisted on the literal interpretation of the "five years" and claimed that that Chamber should last for five Gregorian years. The Wafdists, on the other hand, held the theory that the five years really meant five parliamentary sessions, and since the duration of the Chamber of Deputies for five Gregorian years would mean that it had to be convoked for a sixth session, they refuted the governments viewpoint. This was the precedent which gave an opportunity for the discussion of a definite length of the Chamber of Deputies' term of office. However, no concrete and decisive result was reached but instead, a compromise between the two viewpoints was accepted by the all Independents Cabinet. This was the dissolution of the Chamber on the same

(1) Chapter III, see supra, pp. 168-173

(2) Sabri: op.cit. p. 629.

day on which it was due to be convoked and the holding of the general elections for the new Chamber on a date that would give it no chance to meet before the expiration of the five years. (1)

It has been previously mentioned, as well, that Parliament was to be convoked, according to the Constitution, by the third Saturday of November every year. When the Chamber of Deputies met at the beginning of a session, its first business was the election of a Bureau, which was the institution to be charged with presiding over the debates and organising the different departments of the Chamber. Some authority, however, was needed to control the sitting, or sittings, during which the elections of the members of the Bureau took place. For this purpose, a temporary Bureau, known as the "Age Bureau," consisting of the oldest Deputy as President, and the four youngest Deputies as Secretaries, was provided for by the Rules of the Procedure of the Chamber. (2) The oldest Deputy, who was invariably well known, took the chair at once at the first sitting and declared it open. The powers of the "Age Bureau" were the same as those of the regular Bureau. Its functions, however, were, in principle, limited to conducting the sittings during which the regular Bureau was elected. (3)

An important and interesting point is whether the Chamber could

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- (1) The elections were held on January 3, 1950, and the new Chamber was convoked on the 16th. Cf. *A'r-Rāfi'ī*: op.cit. Vol. III, pp. 283-290.
- (2) *Majlisu'n-Nuwwāb*: op.cit. Art. 1. In the Senate, since the President was appointed by the King for two years, only the four youngest Senators usually acted as provisional Secretaries until the election of the regular ones. *Majlisu'sh-Shuyūkh*: op.cit. Arts. 39, 43 & 44.
- (3) *Majlisu'n-Nuwwāb*: op.cit. Art. 1.

proceed with debating a bill or discussing an interpellation before the election of the regular Bureau. As has just been indicated, the functions of the "Age Bureau" were confined within the bounds of carrying out a particular task. Therefore, it was the Chamber itself which would decide whether any debates, other than those connected with the election of the regular Bureau, could be carried on prior to that election. That rule was established in 1925 when the discussion of the resignation of Zaghlul's Cabinet and a vote of confidence in it, had been taken prior to the election of the Bureau and according to a resolution reached by the Chamber.⁽¹⁾

The elections of the Bureau were by secret ballot and followed in a sequence for the President, the two Vice-Presidents the four Secretaries, and the three Quaestors of whom it was formed.⁽²⁾ The election of the Bureau anew at the beginning of each session might be interpreted as a kind of distrust of constituted authorities.⁽³⁾ The President and the two Vice-Presidents were elected by an absolute majority of the votes cast. If no candidate obtained that majority, a second vote had to be held, and in this case the candidate securing the largest number of votes was elected.⁽⁴⁾ The elections of the

(1) Kamil: op.cit. pp. 19-22.

(2) Majlisu'n-Nuwwab: op.cit. Arts. 2-4. The Senate's Bureau was composed of the President who was appointed by the King for two years, two Vice-Presidents elected every two years, and four Secretaries and two Quaestors elected at the beginning of every ordinary session. Majlisu'sh-Shuyukh: op.cit. Arts. 39-41.

(3) Cf. Finer: op.cit. Vol. II, p. 790.

(4) At the beginning of the 1940-41 ordinary session, there were four candidates for the Vice-Presidency. The results of electing the two Vice-Presidents were as follows: Mohamed Raghib Attiyah obtained 131 votes and was elected; Mohamed Tawfik Khalil secured 86 votes, Abdul Hamid Abdul Haqq 69 and Abdul-Rhaman El Biyalý 52.

other members of the Bureau, i.e. the Secretaries and the Quaestors, were by a simple relative majority of votes.⁽¹⁾ Candidates for the membership of the Bureau were usually selected by their parties, and the party having a majority in the Chamber, usually held the main offices of the President and the Vice-Presidents. Members of the Bureau were usually "well known for their merits, their sensible views, the glorious part they took in the nationalist movement, and their struggle for liberty and the Constitution."⁽²⁾ Nevertheless, it should be pointed out that the government could influence the Chamber in its choice of the members of the bureau.⁽³⁾

What were the powers and functions of the Bureau? A distinction should be drawn between the powers of the Bureau as a collective body and the functions of its members individually. The powers and duties developing upon the Bureau collectively seemed to be of less importance

= Therefore, a second ballot for the election of the second Vice President was necessary and the contest was between Khalil and Abdul Haqq. The former was elected. *La Chambre des Députés: op. cit. VII-iv, S.3, p. 9.*

- (1) *Majlisu'n-Nuwab: op.cit. Arts. 3 & 171; Kamil: op.cit. pp.23-25.*
- (2) From the address of the Prime Minister, Dr. Ahmed Mahir Pasha after the elections of the members of the Bureau in January 1945. *La Chambre Des Députés: op.cit. IX-i, S.2, p.3.*
- (3) In his comment on the election of Dr. Ahmed Mahir Pasha for the Presidency of the Chamber in November 1940, Sheik Mustafa Abdul Raziq, the Minister of Wakfs, representing the Cabinet said: "the government has adopted a neutral attitude towards the election of the President of the Chamber, because it estimates that it concerns a question of your exclusive competence. It makes no distinction between one member and another, and it is you alone who have the right to elect whoever you consider the most qualified for the presidency of your assembly. Moreover, the government finds in the honourable new President, a sincere friend whether in the Opposition or amongst its supporters. *Ibid, VII-ivS.1, p.6.*

than those imposed upon its individual members. It was the Bureau which considered the applications of members for leave of absence and discussed the reasons for such absence; it represented the Chamber while it was in recess and whenever otherwise required; and it appointed, promoted and dismissed clerks, stenographers and other paid employees.⁽¹⁾ On the whole, it had full power to preside over the debates of the Chamber and to organise and direct all departments under the conditions laid down by the rules of the Chamber. "There is every reason to hope," said Dr. A. Mahir, "that the members of the Bureau shall be of great help in organising the work of the Chamber and realising its aspirations, and thus the task of the assembly will be facilitated."⁽²⁾ This shows how important and effective in the working of the Chamber the Bureau could be.

The Bureau conducted its affairs during the ensuing year after its election. In other words, it functioned during the ordinary session in which it was elected and throughout the time until the following session, when the new Bureau was elected.⁽³⁾ Under its direction, the numerous and various tasks which went to the smooth running of a parliamentary assembly were carried out by a large staff of permanent officials. At the head of these officials in the Chamber was the Secretary-General, whose position corresponded to that of the Clerk of the House of Commons. Under him, various departments dealt with the preparation of the "Orders of the Day," the

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- (1) Majlisu'n-Nuwwāb: op.cit. Arts. 185, 214, 223 & 224; Majlisu-sh-Shuyūkh: op.cit. Arts. 55 & 57; Kāmil: op.cit. pp.31-32.
 (2) La Chambre des Députés: op.cit. IX-i, S.2, p.3.
 (3) Majlisu'n-Nuwwāb: op.cit. Arts. 6 & 221.

drawing up and the keeping of the various records of the Chamber, the provision of secretaries to the different parliamentary committees (1) and the giving of technical advice.

In the main, however, each group of the Bureau had its own special tasks. As would be expected, the President was by far the most important official. He was the product of the system in which the guiding and controlling authority was a responsible ministry. The Presidents of the Chamber were an integral part of the regular machinery of the State. They were in politics, and they were usually elevated to the chair more for their political attitude than for their technical competence. (2) They met opposition in their constituencies, remained attached to their parties, co-operated at group meetings and sometimes entered into Press controversies. The impartiality of the Speaker of the British House of Commons was not found in the President of the Egyptian Chamber of Deputies, since the latter was not expected to maintain the completely non-partisan attitude of the Speaker. On more than one occasion a President was seen descending from the chair and giving the Chamber the benefit of his views on any issue under discussion on which he cared to speak. (3)

(1) Ibid. Arts. 222 & 224; Majlisu'sh-Shuyūkh: op.cit. Arts. 79 & 80.

(2) The election of the Wafdist leader Saad Zaghlul Pasha as President of the Chamber of Deputies in 1925, and the governments interpretation of that incident as being a defiant attitude on the part of the Chamber is to be recalled here.

(3) For example when discussing the Budget in 1949, Hamid Gouda the President of the Chamber left the chair to express some opposition and criticize the item concerned with the Ministry of Education. Majlisu'n-Nuwwāb: Mahādiru'l-Jalasāt, IX-v, S.25, pp.1175-1178. Again in 1950 when the Chamber was considering the elimination of the tax on exceptional profits, its President, Abdul-Salam Gomaa Pasha took part in the discussion. Ibid. X-i, S.28, pp. 13-14.

Moreover, Presidents often passed to the Presidency of the Chamber from being ministers, passed again to ministerial office and then back to the chair. Generally speaking, however, once a suitable person reached the chair, he was likely to be re-elected as long as the party to which he was attached dominated the Chamber. (1)

As defined partly by law, (2) and partly by the Rules of Procedure, (3) the duties and powers of the President were to direct the Chamber's sittings and regulate the debates. He recognised members who desired to speak, interpreted the rules, put questions to a vote, announced the results, signed records of proceedings, received memorials and other communications addressed to the Chamber, and represented it in its dealings with the other chamber and with the executive authorities. (4) In particular, the President was charged

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- (1) For instance, Dr. Ahmed Mahir Pasha, who was elected President of the Chamber for the first time in 1936, had been a former Wafdist minister, and was re-elected in 1937. In June 1938 he was appointed Minister of Finance, but in November 1938 he passed back to the Presidency. He was re-elected by the same Chamber in every session till its dissolution in 1942. Abdul Salam Gomaa Pasha, the Wafdist Minister of Agriculture in 1942, was elected President of the Chamber in March, and was re-elected every session until the dissolution of the Chamber 1944. In the Chamber elected in 1950, where a Wafdist majority was found, the same person was elected President, and he was re-elected again in November 1950, 1951. Again Hamed Gouda who had been Minister of Supply 1941-1942 was elected President of the Saadist dominated Chamber in 1945. He was also re-elected in the five sessions through which that Chamber lasted. *A'r-Rafi'i*: op.cit. Vol.III, pp. 14,62,75,76,96, 108, 110,148. *Majlisu'n-Nuwwab*: op.cit. IX-v, S.1,p.3; X-i,S.1,p.3; X-ii,S.1, p.3; X-iii,S.1,p.3; *La Chambre des Députés*: op.cit. VII-iv,S.1,p.5; VII-v,S.1,p.4; VIII-i,S.1,p.3; VIII-ii,p.3; VIII-ii, p.2; IX-i,S.1,p.3. IX-ii,S.1,p.2; IX-iii,S.1,p.2; IX-iv,S.1,p.3.
- (2) *Šabri*: op.cit. pp.445-446.
- (3) *Majlisu'n-Nuwwab*: Al-Lā'ihatu'd-dakhiliyah, Art.8; *Majlisu'sh-Shuyūkh*: op.cit.Art.51.
- (4) See also Gomaa's views on the Presidents powers, *La Chambre des Députés*: op.cit.VIII-ii,S.33, pp. 226-228.

with maintaining parliamentary decorum; and when passions run high, the President's courage and tact were tested. When disputes became heated, the President could intervene with a judicious observation, by which he might be able to restore a semblance of calm. (1) Failing this, he might get results by ringing a hand bell. As a last resort, he might threaten to exercise his uncompromising right of suspending the sitting unless order was restored. Such suspension was necessary at times as a means of bringing excited members back to a frame of mind enabling business to proceed. (2) Moreover, one should not overlook the President's right to prevent any motion from being put on the Order of the Day, if he judged it to be contrary to the law of the Constitution and the Rules of Procedure. The practice of that right by the President enabled the Chamber to avoid many critical situations and hot discussions. (3)

(1) Kamil: op.cit. pp. 27-29; A's-Sawadi, M.: Al-Barlamanu Fi'l-Mizān, pp. 40-45.

(2) For instance during the discussion in 1950 of an interpellation about the government's policy with regards to food supply and the checking of the increasing cost of living, when controversies between the Minister of Industry and Commerce, and the leader of the Saadist Opposition became sharp, the President interfered to restore calm conditions in the Chamber. Majlisu'n-Nuwwab: Mahādiru'l-Jalasat, X-i, S.14, p. 35.

(3) For example when a motion was raised in June 1942 to express the appreciation of the Chamber to Makram Ebeid Pasha, the President refused to put that motion on the Order of the Day. According to his views, since Makram Pasha had been dropped from the Cabinet in May 1942, the approval of the motion would create a critical position for the Cabinet, and its refusal would hurt the dignity of Makram Pasha as a Deputy. La Chambre des Deputes: op.cit. VIII-i, S.11, pp. 118-119. See also Majlisu'n-Nuwwab: op.cit. X-ii, S.40, p. 4 where the President explains that right; also X-i, S. 23, p. 23, where he used that right to prevent the discussion moved by a member of the Opposition.

When the President was absent, one of the two Vice-Presidents took the chair, and that was in turn.⁽¹⁾ When in the chair, the Vice-President was invested with the same powers and obligations of the President in directing the sitting and conducting the debates. When not in the chair, however, the Vice-President was free to act as an individual Deputy and as an ordinary member of a party, and was under no greater obligations than those imposed on other members of the Chamber.⁽²⁾ The special task of the Secretaries was to supervise the stenographic reports, to see to the taking of votes and their counting, and to check the votes given.⁽³⁾ The Quaestors were to look after the accounts, the payment of salaries, members' attendance, the archives, admission to the galleries and the like, and the administrative and financial arrangements of the Chamber.⁽⁴⁾ On the whole, the Secretaries and Quaestors were to perform these functions, and any others which the President might require of them.

It has been mentioned above, that any person who paid a deposit of £E150 could become a candidate for membership of the Chamber of Deputies. This was not the sole condition, as in addition, a Deputy should be of a minimum age of thirty years,⁽⁵⁾ and should have "a fair knowledge of reading and writing."⁽⁶⁾ That latter qualification

(1) Majlisu'n-Nuwwab: Al-La'ihatu'd-Dakhiliyah, Art. 9; Majlisu'sh-Shuyukh: op.cit. Art. 52.

(2) Kamil: op.cit. pp. 29-30.

(3) Majlisu'n-Nuwwab: op.cit. Art. 9; Majlisu'sh-Shuyukh: op.cit. Art. 53; Kamil: op.cit. p. 30.

(4) Majlisu'n-Nuwwab: op.cit. Art. 10; Majlisu'sh-Shuyukh: op.cit. Art. 54; Kamil: op.cit. p. 31.

(5) 1923 Constitution, Art. 85.

(6) Qanunu'l-Intikhab, Art. 22.

was rather vague; and although such a condition was not required of a voter, it was indispensable for a member of Parliament who had an effective part in legislating and in controlling the executive. (1)

Actually, no precise definition was found for the phrase "a fair knowledge of reading and writing." Whether it meant that a member of Parliament should be literate, or something more was an unsettled point, and differences in interpreting the phrase and judging the 'knowledge' arose. As will be shown later, it was the Chamber which was competent to judge the qualifications of its members, and usually party prejudice played an effective rôle in the decision of the chamber. In February 16, 1931, a Senator's membership was invalidated because "although he could read and write it was in an unsatisfactory way" On the other hand, in the Chamber of Deputies in June 1938, a definite meaning for the "fair knowledge of writing" was difficult to find when a Deputy had to prove his ability to write. In spite of the fact that this Deputy had made mistakes in writing twelve words out of twenty two dictated to him, neither the Committee competent to decide on the matter, nor the Chamber itself could reach a definite conclusion on the question. The time factor was the only way out of the problem. Another two tests were held to estimate the ability of the Deputy to read and write. Although the committee investigating the matter recommended to the Chamber that the membership of that Deputy should be invalidated, the Chamber repeatedly postponed the matter until under the influence of partisan spirit the

(1) ^cId: op.cit. p. 133.

Chamber passed a resolution in favour of the Deputy.⁽¹⁾

The 1923 Constitution itself contained very few clauses on incompatibility. It was unconstitutional for any person to be a member of both Chambers of Parliament at the same time,⁽²⁾ and for princes and kinsmen to be elected to either of the two chambers though they might be nominated to the Senate.⁽³⁾ That was all that the Constitution said, leaving to the electoral law the determination of the rules of ineligibility and incompatibility.⁽⁴⁾ It is our concern now to discuss the question of incompatibility.

The principle underlying the conditions of incompatibility was that the holding of any office which was paid out of the Treasury or State funds, was incompatible with the holding of an electoral mandate as a member of Parliament. Members of the Government, (i.e. Ministers and Parliamentary Under-Secretaries of State), however, were exempted from the rule; and in practice, ministers were generally, though not necessarily, appointed from among members of Parliament. The rule covered the whole civil service; and in consequence, any civil servant who was elected to Parliament was considered to have given up his post, unless he declared otherwise within eight days after the verification of his membership in Parliament.⁽⁵⁾ This rule found its basis in the fact that civil servants had to obey the executive power in general, and the minister to whom they were attached in particular.

(1) Ibid. pp.134-136. Cf. Le Temps, July 20, 1938.

(2) 1923 Constitution, Art.92.

(3) Ibid. Art.93.

(4) Sabri: op.cit. pp.443 & 446 et seq.

(5) Qanunu'l-Intikhab: Arts. 60 & 61.

Therefore, as members of Parliament, civil servants could not effectively control the executive from which they got orders.⁽¹⁾ Although the electoral law was very clear that a civil servant who was elected a member of Parliament should give up his post in the civil service or his membership in Parliament temporarily till the verification of his membership, exception to this rule was often met with. The direction of the executive to such members was quite obvious as well as the material benefit these members usually obtained.⁽²⁾ That fact would induce one to suggest that once a civil servant had decided to contest a parliamentary election, he should resign his official post beforehand without regard to the possibility that he might or might not be elected. The application of such a principle in connection with the judges who participated in the contest of the 1950 elections,⁽³⁾ would give the suggestion good grounds, since judges were civil servants, and

(1) Sabri: op.cit. p. 444.

(2) In the Chamber of Deputies elected in January 1945, there was a Deputy who was at the same time a civil servant attached to the Ministry of Health who kept both the membership of Parliament and the post he held (in the private secretariate of the Minister) till 1949. A protest against the regularity of the election of that Deputy was presented to the Chamber on August 13, 1945. Despite the priority of examining protests against members holding posts incompatible with the membership of Parliament, the Chamber did not decide on that case until February 21, 1949. A week later, the Deputy resigned preferring his governmental post. Majlisu'n-Nuwwab: Mahādiru'l-Jalasat, IX-v, S.16, p. 532 and S.17, p. 569. Cf. Sabri: op.cit. p. 449. Another case where a member of the Chamber benefited by being a Deputy and a civil servant was in the Chamber elected in 1938. He was attached to the Ministry of Commerce and industry, and through his influence as a member of Parliament, obtained several promotions and reached a high ranking post.

(3) La Bourse Egyptienne, December 5, 1949.

there should be no discrimination in the civil service.

To become eligible for membership of Parliament, a person had to acquire certain qualifications such as have been previously mentioned. Persons lacking these qualifications were ineligible for the membership of Parliament, and could not and should not stand in a contest for such membership. If such a person were found to have stood as a candidate and to have been successful, it was the business of the chamber to which he belonged to invalidate his election. Furthermore, the chamber forfeited the membership of any member if it so happened that he became ineligible during the course of his mandate. The majority required for such a forfeiture of parliamentary membership of a Deputy was the absolute majority of votes. ⁽¹⁾

Each chamber of Parliament had to verify the validity of the mandate of its members and the regularity of their election. ⁽²⁾ This fact did not mean the deprivation of those members whose membership was not verified of the rights and duties of a member of Parliament. ⁽³⁾ However, every chamber had to give priority to the examination of the validity of the membership of those members who held posts incompatible with their membership, and of those members against the regularity of whose election or acquirement of qualifications, a protest had been

(1) It should be noticed that the Chamber of Deputies did not consider the forfeiture of a Deputy's membership in such a case an application to Article 95 of the Constitution; while it was so considered by the Senate and consequently that latter institution required the majority of two-thirds of the votes. Majlisu'n-Nuwwab: Al-La'ihatu'd-Dakhiliyah, Art. 93; Majlisu'sh-Shuyukh: op.cit. Art. 17; Sabri: op.cit. p. 451.

(2) 1923 Constitution, Art. 95; Majlisu'n-Nuwwab: op.cit. Art. 77; Majlisu'sh-Shuyukh: op.cit. Art. 14. The 1930 Constitution conferred this power to the judiciary; Art. 90.

(3) Kamil: op.cit. pp. 33-36.

presented to the chamber.⁽¹⁾ If the protest was concerned with irregularity in the process of election of the member, it was only accepted from electors of the constituency which had elected him, and from opposing candidates; but if the protest was concerned with the lack of qualifications, it could be presented by anybody.⁽²⁾ Moreover, the first kind of protest had to be presented within the fifteen days following the declaration of the election results; the second could be presented at any time without limitation.⁽³⁾

Any protest was referred to a special parliamentary committee to examine and report to the chamber,⁽⁴⁾ which discussed and decided as to the validity of the mandate of the member concerned. The chamber could not invalidate the membership of a member of Parliament except by a two-thirds majority of votes.⁽⁵⁾ One should note carefully that in so functioning, the chamber was performing a judicial task which ought not to be affected by party partialities. Nevertheless, it was noticed that political motives were behind numerous resolutions concerning the validity of the mandate of members of Parliament.⁽⁶⁾

(1) Majlisu'n-Nuwwab: op.cit. Art. 85; Majlisu'sh-Shuyūkh: op.cit. Art. 15.

(2) Qanūnu'l-Intikhāb, Art. 57; Kamil: op.cit. p. 41.

(3) Ibid. p. 44.

(4) Majlisu'n-Nuwwab: op.cit. Arts. 78-92; Majlisu'sh-Shuyūkh: op.cit. Arts. 10-14.

(5) 1923 Constitution, Art. 95.

(6) This accusation against the Chamber originated in 1924 when the Wafdist Chamber of Deputies invalidated the membership of most the ardent rivals of the Wafd who had succeeded in the elections. Haykal: op.cit. Vol. I, p. 87. See also Ra'fat and Ibrāhīm: op.cit. p. 681 et seqs. where examples are found; Šabrī: op.cit. pp. 447-450; 'Id: op.cit. pp. 298 et seq. Cf. The incident of the invalidation of the membership of Abdul-Moneim Hashish in 1951, and how the difference of his political colour from the majority affected the course of the discussion and the decision of the Chamber. Majlisu'n-Nuwwab: Mahādiru'l-Jalasāt, X-ii, S.19 pp. 14-18; S.20 pp. 28 et seqs.; S.21, p.10.

This fact plus the lengthy procedure and the time the chamber devoted to verifying the mandates of its members induced many critics to advocate the application of the clause of the Constitution which authorised Parliament to "confer this power on another authority."⁽¹⁾ Many attempts were made, but in vain, to transfer the competency of judging the validity of these memberships to the judiciary in application of the principle of the separation of powers and in order to safeguard the minorities in Parliament against the omnipotence of the majority.⁽²⁾ It was not until late in 1951, that Parliament conferred its authority in that matter to the High Court of Appeal (Mahkamatu'l-Naqdiwa'l-Ibrahim). This court was only competent to judge the validity of the mandate of those members against whose membership protests were presented. The Chamber was still the competent judge of all other cases of verification of parliamentary membership.⁽³⁾ It should be noticed that the conferment of this very limited authority on the judiciary did not occur until after decisions had been taken on most of the protests against the regularity of election of Deputies composing the Chamber which agreed to that conferment.

= Cf. Also the report of the Committee of Legislative Affairs in the Chamber of Deputies on the private member's bill concerned with the conference of the authority of the Chamber to pass judgment on protests against the regularity of the election of members to the High Court of Appeal where a similar viewpoint was expressed. Ibid. X-ii, S. 39, pp. 121-122.

(1) 1923 Constitution, Art. 95.

(2) Sabri: op.cit. p. 449.

(3) Majlisu'n-Nuwwab: op.cit. X-ii, S.39, pp. 123-124.

Therefore, the High Court had no chance to exercise its new power since the dissolution of that Chamber in 1952 marked the end of that parliamentary experiment in Egypt.

It was the Chamber itself which could dismiss its members; and in this matter the Constitution was clear that no member of Parliament could be dismissed except by a resolution passed by the chamber to which he belonged with the majority of three-fourths of the members composing the chamber.⁽¹⁾ It seems that the exclusive right of Parliament to dismiss its members was a means of safeguarding the legislative from the influence of the executive power. Moreover, the requirement of a majority of three-fourths of the members was meant to minimize party partialities and feuds which might be behind a resolution of dismissal of members of Parliament. However, this right of Parliament was exercised only once when the Wafdist dominated Chamber of Deputies resolved on the dismissal of Makram Ebeid Pasha on July 13, 1943. This single precedent in the parliamentary annals of Egypt of dismissing a member of Parliament arose because of party differences which led the above mentioned Deputy to make specific accusations against the Wafdist Government and publish in a book to which he gave the name of "The Black Book." These accusations became the issue of an interpellation in the Chamber, but the government refuted them and secured the confidence of the Chamber.⁽²⁾ Although this was the alleged reason for the dismissal of that Deputy, who had been a figure

(1) 1923 Constitution, Art. 112.

(2) La Chambre des Députés: op.cit. VIII-ii, S.40, pp. 322 et seqs.; S.41, pp. 335-342; S.42, pp. 343 et seqs; Keessing's Contemporary Archives, Vol. V, (1943-1946), p. 6015; Colombe: op.cit. pp. 108-112; Sabri: op.cit. pp. 454-455.

head in the Wafd, who occupied for a long time the position of the Secretary-General of the party, and who had more than once been an important minister in every Wafdist Cabinet, one can hardly be convinced by it.⁽¹⁾ It seems that his split from the party was the real reason, coupled with the fact that his strong position in the Chamber might have been dangerous for the governing party. This argument could be emphasised by the fact that when the split occurred in the ranks of the Wafd, measures were taken against some members of Parliament who had adhered to Makram Pasha.⁽²⁾ Moreover, after his dismissal from the Chamber, the Cabinet could not endure his opposition outside Parliament, and put him with some of his adherents under arrest.⁽³⁾

On the other hand, when a member of Parliament wished to resign, as he could do, he had to tender his resignation to the President of the chamber to which he belonged. In his turn, the President had to announce the resignation to the chamber and it was not effective until the chamber accepted it.⁽⁴⁾ In theory, the chamber had the right to accept or to refuse a resignation, but the right to refuse was not likely ever to be practised.⁽⁵⁾

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- (1) Cf. The President's talk on that matter, *La Chambre des Députés*: op.cit. VIII-ii, S.47, p. 470; also the confirmation of the President on that subject. Ibid. p. 471.
- (2) For example after the Chamber of Deputies had resolved on the validity of two Deputies in 1942, the Wafdist majority revived that matter after their adherence to Makram Pasha's group. The Chamber eventually invalidated their membership. Ibid VIII-i, S.32, p.383; S.35, pp. 398-413.
- (3) A'r-Rafi'i: op.cit. Vol. III, pp. 117 and 120.
- (4) Majlisu'n-Nuwwab: Al-Lā'ihatu'd-Dākhiliyah, Art. 212; Majlisu'sh-Shuyūkh: op.cit. Art. 36; Qānunu'l-Intikhāb, Art. 63.
- (5) Cf. The case when Mohamed Mahmoud Galal tendered his resignation in 1948. Before announcing it in the Chamber of Deputies, the President tried to persuade him to withdraw it. Nevertheless, the Deputy did not accept that mediation of the President and insisted on his resignation. When this was made known to the Chamber, it

Once a person was elected a member of Parliament, he was entitled to certain privileges and immunities to enable him to carry his duties as a representative of the people. A Deputy had to^{be}/free to say what he liked in Parliament, and to vote as he liked without being liable to legal action, and generally to conduct his political life without fear of any consequences other than such as must come upon him, as upon any other citizen, should he break the law. Some special protection of this kind has been claimed by legislative bodies for their members the world over; and in the House of Commons, the oldest in the world of legislatures, such privileges "are part of the unwritten law of the land, to be collected out of its own records and precedents only to be interpreted by itself."⁽¹⁾ In Egypt constitutional validity was given to parliamentary immunity. Articles 109 and 110 of the Constitution laid down the principle of the non-responsibility of members of Parliament for the views they expressed in Parliament, and their immunity in the course of performing their duty from arrest and attempts to take legal action against them without proper grounds.

The so-called parliamentary non-responsibility was destined to safeguard members of Parliament against prosecution, arrest, detention, or being brought to trial on account of opinions expressed or votes given by them in the course of the exercise of their functions. Consequently, it enabled them to act freely within the powers they acquired as representatives of the people. While fulfilling their mandate,

" decided to try once more, through its President, to convince the Deputy to withdraw that resignation; and actually he did. Majlisu Nuwwab: Mahadiru'l-Jalasat, IX-v, S.4, p. 39. As an example of the normal course of resignation see Ibid. X-i, S.35, p.6.

(1) Campion: op.cit. p.63.

members of Parliament were amenable only to the disciplinary power of the chamber itself. However, this principle was only applicable to the members' action inside Parliament. Therefore, any action, even political, (for instance the writing of an article or pamphlet, or the delivering of a speech), performed by a member of Parliament outside the chamber could bear an offensive character. If it was punishable by law, the lifting of parliamentary inviolability was necessary before proceeding with any legal process against the member.⁽¹⁾

What did parliamentary immunity mean? Parliamentary inviolability was a measure of public order enacted for the purpose of placing the legislative power beyond the reach of injurious attack by the executive power. It was not meant to make members of Parliament immune from the consequences of committing a crime or misdemeanour, but to ensure that they were not subjected to frivolous or purely malicious prosecution of political rather than judicial character. One should notice that parliamentary inviolability was not a privilege conferred on a category of individuals. As it was a measure meant only to safeguard the legislative from the aggression of the executive, parliamentary inviolability did not cover the person of a member of Parliament as an individual. It was attached to him solely in his capacity as a Deputy or a Senator and a member of the legislative body. Consequently, while remaining a member of Parliament one could not divest himself of it, even if he wished.⁽²⁾ Differences on the application of inviolability to the

(1) Sabri: op.cit. pp.440-443; Kamil: op.cit. pp. 324-326.

(2) Sabri: E. & Id, M.: Al-Hassanatu l-Barlamaniyah, p. 154.

Cf. The case when Mahmoud Abu El-Fath asked the Chamber to lift the parliamentary inviolability he enjoyed as a Deputy, during his absence from attending the sittings. It was only because the Rules of Procedures stipulated that absentee members of Parliament would

domicile of the member of Parliament arose. However, despite these differences, and the fact that the Constitution was not quite clear on that point, it was laid down that the principle applied.⁽¹⁾ Parliamentary inviolability was effective only while Parliament was in session. Therefore, it ceased during the parliamentary recesses; but it remained valid when Parliament was adjourned.⁽²⁾

If the government or an individual citizen wished to initiate legal proceedings against a member of Parliament on a charge of a crime or a misdemeanour, the permission of the chamber to which he belonged had to be sought beforehand.⁽³⁾ Moreover, the Chamber of Deputies created the precedent that even if a Deputy was already under arrest, having been previously arrested during a recess between two sessions, the authorities had to obtain the consent of the Chamber before taking any further proceedings.⁽⁴⁾

"not enjoy parliamentary inviolability that the Chamber agreed to that request. Attention should be paid to the fact that "the Chamber," the President said, "has been tolerant with regard to the application of that rule." La Chambre des Députés: op.cit.VII-iv, S.30, p.240.

(1) Sabri & Id: op.cit. p. 156.

(2) Ibid, pp.157-159; Kamil: op.cit. p.307.

When the Chamber of Deputies was dissolved, the sittings of the Senate were adjourned, according to the Constitution, till the new Chamber was elected. During this period, Senators continued to enjoy parliamentary inviolability. Sabri & Id: op.cit. p.158.

(3) 1923 Constitution, Art. 109 & 110.

(4) Sabri & Id: op.cit. p. 160; Kamil: op.cit. pp. 310-313; Sabri: op.cit. p. 442; Majlisu'n-Nuwwab: Al-La'ihatu'd-dakhiliyah, Art. 175; Majlisu'sh-Shuyukh: op.cit. Art. 33.

It might be interesting to mention that this resolution of the Chamber, which the government accepted, was taken in 1926, when a Deputy was arrested because of a charge of a crime before the convocation of Parliament in November. The authorities did not ask for the consent of the Chamber to carry on with the legal proceedings, but merely notified it of the arrest of the Deputy. Discussing this incident in the Chamber, the above mentioned constitutional precedent was established.

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The established method of asking the permission of the Chamber was the presentation, to its President, of a request for lifting the parliamentary inviolability from, and the authorisation to prosecute a specified member of Parliament. When the request was made by the judiciary, it was usually presented by the Minister of Justice after being so asked by the Prosecutor General (Attorney General). A private citizen must support his request with proofs that he was trying to initiate legal proceedings, but he was impeded by the parliamentary inviolability of the member concerned.⁽¹⁾ The Committee of Legislative Affairs, to which all question concerning the personal inviolability of Deputies, and all requests for lifting the inviolability and for authorisation to prosecute were referred, examined and discussed these requests, and reported on them to the Chamber.⁽²⁾ The chamber itself was the only competent authority to lift the parliamentary inviolability a member enjoyed. In such a matter, the task of both the Committee and the chamber was strictly limited. The object of their investigation was simply to ascertain whether the proposal to bring a charge against a member of Parliament had a genuine and serious basis, that it was not prompted by any political motives, and that it had not been put forward without due formality and consideration. The merits of the of the charge itself could not be discussed either by the committee or by the chamber. They were considered only by the court.⁽³⁾

(1) Kamil: op.cit. pp. 316-317; Sabri & 'Id: op.cit. p.167; Majlisu'n-Nuwwab: op.cit. Art. 177; Majlisu'sh-Shuyukh: op.cit. Art.34.

(2) Majlisu'n-Nuwwab: op.cit. Art. 172.

It is important to notice that the competent committee in the Senate was the Committee of Justice. Majlisu'sh-Shuyukh: op.cit. Art.34.

(3) Majlisu'n-Nuwwab: op.cit. Art. 173; Majlisu'sh-Shuyukh: op.cit. Art. 35; Kamil: op.cit. pp. 118-119; Sabri & 'Id: op.cit. pp. 168-175.

The penal code in Egypt, did not provide, as in France, for the punishment of police officers and members of the judiciary who contravened the provisions of parliamentary inviolability.⁽¹⁾ Examples of such contraventions could easily be provided. The most widely recognised incidents are, first the search of the house of Hamid Gouda and Mahmoud Hamam Hamadi in 1941, and of Shams El Din Azzam in 1946. These searches were the subject of interpellations in the Chamber of Deputies. Although both the Cabinet and the Chamber confirmed the principle of parliamentary inviolability, no effective resolution was passed by the Chamber.⁽²⁾ Secondly, the arrest of the two Senators, Aly Maher Pasha in the buildings of the Senate in 1942, and Neguib Mikhaeil Bishara Bey in 1944 without previous authorisation from Parliament was the subject of two interpellations and some heated discussion in the Chamber of Deputies. These arrests were made during the war while Egypt was under martial law. Since they were initiated by the Military-Governor General (who was at the same time the Wafdist Prime Minister, Nahas Pasha) the Chamber decided to recognise the right of the Military-Governor General to order the arrest of members of Parliament.⁽³⁾ However, no sound rules were laid down with regard to the suspension of parliamentary inviolability. On the whole, however, requests by private citizens for authorisation to prosecute were invariably rejected. On the other hand, such requests by the government were usually granted provided genuine evidence of the charge was presented.⁽⁴⁾

(1) Ibid. p. 185.

(2) La Chambre des Députés: op.cit. VII-iv, S.47, p.421; S.50, pp.442-447; S.70, pp.582-583; IX-ii, S.41, p.401.

(3) Ibid VIII-i, S.4, pp. 13 et seq.; VIII-iii, S.31, p.304.

(4) Kamil: op.cit. pp. 318-319.

Members of Parliament in Egypt were entitled to a salary. This right was provided by the Constitution (Art. 118) which bestowed on Parliament itself the right to fix the sum of such salary. One of the first laws passed by Parliament in 1924 was that which fixed this sum at £E600 per annum. One would wonder whether that sum was sufficient to turn a member of Parliament into a professional politician. It is true that almost all members of Parliament had other work to do: they were lawyers, business men, landlords, and so forth. This might be the reason of their insistence on calling that payment a parliamentary remuneration and not a salary. However, one could say that the sum of the remuneration was rather high in comparison with salaries paid to those who rendered public services, and in view of socio-economic conditions in Egypt.⁽¹⁾ Therefore, it could be said that the parliamentary remuneration would induce some members of Parliament to become professional politicians. The only proof one could provide with regard to this is the fact that certain individuals persisted in standing for every parliamentary election following no set course in the matter of policy.

Egypt suffered from the absenteeism of members of Parliament. The Chamber was often adjourned because of the absence of the constitutional quorum. According to the Constitution, the presence of an absolute majority of the members was required. However, from the records of the debates where usually the names of absent members were cited in the preamble to the minutes of every sitting - one could easily observe the

(1) Haykal: op.cit. Vol. I, p. 187.

high percentage of absenteeism. A disease of modern government, absenteeism was partly due to the fact that members of Parliament were more interested in the fun and excitement of gaining their seats and enjoying the prestige of membership than in fulfilling their obligations as members. They had their professions and business to attend to. The Chamber as a public authority, should have commanded the regular attendance of members save in cases of illness and sudden contingencies. Although sittings of Parliament were arranged to be held at a late hour to enable such members to complete the bulk of their work in the morning hours, the application of that demand would have aroused a valid and important criticism: It would necessarily lead to excluding from Parliament men whose minds were valuable and fresh but professionally occupied, and to vest the privilege of government in professional politicians who would do nothing but govern. However, there is no good without sacrifice to obtain it. The alternative to a Parliament of amateurs which did nothing but registering the work of the Cabinet, was a Parliament of full time, or nearly full time members who could stand the brunt of the necessary work. The large sum paid as parliamentary remuneration would add to the arguments in favour of that suggestion. As an alternative, Parliament should have made public the names of those members who did not attend regularly. This would have caused their embarrassment, and would have given public opinion an opportunity of condemning such laxity.

A vital aspect of representation was the attitude of the member of Parliament to his constituency and vice versa. The Constitution was

clear that a member of Parliament was elected to represent the whole nation. This would mean that the member was chosen to represent the nation as well as the local area, and he was expected to use his talents and perform his duties largely according to his own personal judgments. However, in practice, one could say that, generally speaking, the member of Parliament acted as the mouthpiece of his constituency. He was the necessary human agent through which the voters continually registered their will. This could be illustrated not only by providing examples of motions in Parliament which were moved for no other purpose than the benefit of the constituency of the member who initiated it,⁽¹⁾ but also by the fact that members of Parliament used their influence with the civil service and their access to ministers for the advancement of the personal interests of their constituents. This defect in the parliamentary system was detected not only by political observers, but also by the members of Parliament themselves.⁽²⁾ The President of the Chamber urged the Deputies to cease from such approaches to ministers because as he said: "when the Minister accepts the mediation of a Deputy, the latter will feel indebted and will not be able to exercise his task to control that Minister, despite the fact that the first function of the Deputy is to control the Ministers. Moreover, the

(1) The parliamentary annals of Egypt contain many examples of parliamentary questions, and even interpellations of that kind. As regards questions, they were numerous and it is rather difficult to specify any of them. However, it is interesting to refer to the debate on the closing down of two sugar factories in Upper Egypt and the attitude of the member who presented the motion. The factories in concern were situated in his constituency. Majlisu'n-Nuwwāb: Mahādiru'l-Jalasāt, IX-v, S.19, pp. 644-652. Cf. 'Allūbah: op.cit. p. 103.

(2) Majlisu'n-Nuwwāb: op.cit. X-ii, S.33, p. 57.

extravagance in such personal approaches to ministers will distract us from our original work."⁽¹⁾

The Chamber of Deputies was the organised medium through which the public will could find expression and exercise its ultimate political power. It formed an indispensable part of the legislature; and it was the body to which at all times the executive should turn for justification and approval. The fundamental importance of the Chamber of Deputies was derived from its representative character. It could speak as no other body in the Egyptian parliamentary system could pretend to speak for the people. It presented in condensed form different interests, religions, classes and occupations. The structure of the Chamber of Deputies and its correspondence to the formation of the Egyptian nation has been discussed in the beginning of this Chapter

The presence of different interests in the Chamber was reflected in the debates and functioning of that body. The most apparent interest was that of landlords. Since they composed the majority of the members they were the most powerful group in the Chamber. Examples to prove that viewpoint are numerous. However, it is enough to refer to the incident of the private member's bill aiming at the reduction of the rate of the land tax. In 1951 the government decided to double the rate of the land tax with retrospective effect for 1949 and 1950. Ahmed Mohamed Abaza presented a private member's bill to amend the government's decision by proposing that it should not be retrospective in its operation. In spite of the fact

(1) Ibid: X-ii, S.33, p.59

that some opposition to this bill was manifest in the Chamber, and the Cabinet was not in its favour, the general trend of opinion in the Chamber was towards its approval. From the discussions, one could feel that the main motive which induced members to support the bill was self-defence. The passage of the bill meant that landlords would save the payment of taxes for two years. From the words of the Deputy who initiated the bill, when he was defending it one could deduce its real motives. He said:

"Some of you may imagine that landlords are rich because of what they gained during some exceptional circumstances. Therefore, I present to you information about taxpayers to show that a large section of the group of landowners will be harmed through that measure....."(1)

He continued to illustrate the contribution of different groups of taxpayers to the treasury endeavouring to prove that the greatest share was the burden of landowners. In opposition to that bill, Dr. Nour El Din Tarraf said:

"It is well known that when we come across such legislation which concerns a tax imposed on one of the social groups, we should rid ourselves of any favouritism. We should not pass any judgment except according to our belief in the general interest of the whole country." (2)

The trend of the Chamber in favour of the bill was expressed when it voted on it for the first reading. (3) Under pressure from the government, however, and its declaration that the passage of the bill would mean the non-confidence of the Chamber in its fiscal policy and

(1) Ibid. X-ii, S.16, p. 57.

(2) Ibid. X-ii, S.16, p. 34.

(3) Ibid. X-ii, S.17, p. 11.

in the person of the Minister of Finance, who was in the same time the Secretary-General of the governing party, the Chamber rejected the bill.⁽¹⁾

The pressure of the group of landlords in 1949, during the debate on the land tax, to reduce its rate could be provided as further evidence.⁽²⁾ Moreover, from the attitude of members towards different issues, one could easily observe that the interests of landlords were well defended. The debate on legislation respecting the right of the workers to form trade unions illustrates the power of the group which had interests in land, and its attempts to illegalise the formation of agricultural trade unions.⁽³⁾ The endeavours of representatives of landlordism to persuade, and in certain cases to force, the government to raise the prices of agricultural products were countless. For illustration it seems sufficient to refer to the following: Their attempt to cause a rise in prices of wheat during the discussion in 1941 of an interpellation about the policy of the government with regard to the exportation of that product;⁽⁴⁾ the repetition of the same attempt later during the same year;⁽⁵⁾ and the initiation of a resolution in 1943 aiming at raising the prices of wheat and maize.⁽⁶⁾

To show how the interests of landlords were preserved, it seems appropriate to quote Uthman Mohamed Abaza when he commented on the report of the Standing Committee of Finance on the Budget of 1949-50.

(1) Ibid. X.-ii, S.18, pp. 9-10.

(2) Ibid. IX-v, S. 22, pp. 790 - 794.

(3) La Chambre des Députés: op.cit. VIII-i, S.26, pp. 335-338.

(4) Ibid. VII-iv, S.9, pp. 40-42.

(5) Ibid. VII-iv, S.52, pp. 458-460; S.53, p.461.

(6) Ibid. VIII-ii, S.48, pp. 432-438.

When he was urging a scheme to secure a minimum standard of living for rural workers, he said:

"On October 25, 1943, the Fellah Department presented to the government a memorandum suggesting the fixation of a maximum rent for cultivated land. It asked for the promulgation of a military order. The Minister of Social Affairs and the Prime Minister agreed to that suggestion; and it was referred to the State Legal Services. Then it was presented to the Council of Ministers which thought it preferable to initiate a bill instead of the military order. Actually the bill was presented to Parliament, and it was referred in the Chamber of Deputies to the competent standing committee..

"In March 1945 a ministerial committee was formed to study the subject. Its members were the Prime Minister, and the Ministers of Finance, Justice and Agriculture.

"Personally, I have presented last year a private member's bill for the organisation of relations between landlords and tenants. It was referred to the Committee of Social Affairs, and this referred it to the Committee of Agriculture which examined the matter and completed its report despite the difficulties created by the government. The report was on its way to be examined by the general committee to approve its presentation to the Chamber; but I do not know the circumstances which have forced its postponement from last year up till now."⁽¹⁾

From this one could infer that landlordism managed to preserve its

(1) Majlisu'n-Nuwwāb: op.cit. IX-v, S.19, p. 655.

interests in different circumstances. Whether the Wafd or the anti-Wafdist coalition was holding the majority in Parliament the interests of this group had priority to others, and were kept intact.

In some cases members were not satisfied with the defence of the interests of a group, but sought personal ones. During the debate on the limitation of the area to be cultivated with cotton in 1942, two members, namely Ahmed El Wakil and Kamil Youssef Saleh, suggested that a particular part of the country-Markaz El-Delingate, where they possessed some land - should be allowed to cultivate a larger area than had been proposed.⁽¹⁾

Sometimes it happened that in order to preserve their interests landlords had to clash with some other group. An interesting incident of that kind emerged during the discussion of legislation organising relations between employers and employees. The point of difference concerned rural workers and the application of that legislation to them. Representatives of industrial interests stressed that there should be no discrimination between rural and industrial workers; but landlordism managed to counter that argument and secure the preservation of its own interests.⁽²⁾ Another example is the argument in 1950 about the imposition of a tax on the export of cotton. Landlords thought that this tax would ultimately be transferred by the cotton merchants to be paid by them; and therefore, they fought desperately for its elimination. Another motive seemed to be their belief that the tax was the cause of the deterioration of cotton prices. However,

(1) La Chambre des Députés: op.cit. VIII-i, S.22, pp.287-289.

(2) Ibid. VII-iv, S.23, pp. 177-178; S.26, p.203.

despite these controversies in the Chamber, when the government insisted on its viewpoint about the tax, the Chamber approved, ending the discussion with the customary resolution to return to the Order of the Day.⁽¹⁾

When interested groups attacked one another, representatives of the attacked groups defended themselves earnestly. During the debate on the Address in reply to the Speech from the Throne in 1946, certain members attacked business men in general, and merchants in particular as the main cause of the high cost of living. El-Sayed Galal, a representative of the group attacked, said in its defence:

"Certain honourable Deputies, yesterday, accused merchants of exploiting the people and making business in the black market. Therefore, I would like to point out that real merchants have nothing to do with all that kind of thing; those who are responsible for it are new participants in commercial activities."⁽²⁾

Other interested groups were vocal in the Chamber. Professional groups not only tried to preserve their personal interests, but also defended those of their colleagues. This is to be seen from the granting of an allowance to engineers in the civil service. This allowance did not apply to all the civil service. Some Deputies opposed it; and it is interesting to notice that this opposition emanated from another section of professionals.⁽³⁾ However, it seems

(1) Majlisu'n-Nuwwāb: op.cit. X-i, S.11, pp. 11 et seqs.

(2) La Chambre des Députés: op.cit. IX-ii, S.10, p. 79.

(3) See the opposition of Dr. Nour El Din Tarraf. He made comparison between medical doctors and engineers, and concluded that there was scarcity in both professions. Despite that scarcity he did not agree to giving any allowances to either because it would create dissatisfaction and discrimination among civil servants. Majlisu'n-Nuwwāb: op.cit. X-i, S.18, pp. 44-45.

that since the Minister of Public Works, who was pressing that action, was the President of the Union of Engineers, and the reporter of the Committee of Finance on the matter was also an engineer, the Chamber was under their influence when it approved the granting of that allowance.

Moreover, manual labour, which had no representation in Parliament, found some members to defend its claims. When certain enterprises dismissed some of their workers in 1944, and dissatisfaction amongst the working class became evident, parliamentary questions aiming at clarifying the situation were answered in the Chamber, and motions urging the Cabinet to do something for the satisfaction of workers were presented.⁽¹⁾ A similar situation appeared in 1946, and an interpellation about the dismissal of workers was discussed.⁽²⁾ However, one could say that manual labour did not find more than the voicing of its grievances in the Chamber. None of the members of Parliament cared to act in preservation of the interests of the working class, because such preservation would mean the sacrifice of the interests of some other social class powerfully represented in Parliament.

One might wonder whether pressure groups ever influenced the working of Parliament in Egypt. Although, as has been indicated, particular interests were preserved and defended by representatives of certain groups, one could hardly say that pressure groups had ever had any effective rôle in the working of Parliament. Trade unions were authorised to be formed on condition that they would not have any

(1) La Chambre des Députés: op.cit. VIII-iii, S.45, p. 380.

(2) Ibid. IX-ii, S.13, pp. 115-116.

political activities. On that basis the trade unions of workers were legalised in 1942,⁽¹⁾ and the establishment of syndicates for engineers⁽²⁾ and teachers⁽³⁾ was approved. If any pressure was exerted by so-called pressure groups, it seems that it was on the executive and not on Parliament. This might be inferred from the following words of Ali El Shishini. In 1949, he said:

"The calamity in this country results from the enterprises which exploit the workers, the consumers and the people. All the 'Pashas' and big shots in the country are members of these enterprises"⁽⁴⁾

In 1950, he was more emphatic when he said:

"It is painful to admit the facts; but hiding the disease is worse than airing it. Therefore, I say that there is no enterprise which does not get the help of some of our important figures whom it appoints on its board of administration.

"Do you know what is the function of these members? It is⁽⁵⁾ exclusively to mediate between the enterprise and government officials".

The work of the Chamber of Deputies in the sphere of finance is to be considered now. So far, it has been our concern to deal only with legislation on ordinary matters. There is still something to add

(1) Ibid. VIII-i, S.26, pp. 227 et seqs.

(2) Majlisu'n-Nuwwāb: op.cit. X-ii, S.42, p.23.

(3) Ibid X-ii, S.41. p. 32.

(4) Ibid IX-v, S.27, p. 1306.

(5) Ibid X-i, S.9, p. 49.

It would be of some benefit to recall here the circumstances of the resignation of El Hilaly's Cabinet in June 1952. It was said that differences between the government and the "Société des Sucreries d'Egypte" were the direct reason for the downfall of the Cabinet. The campaign against the Cabinet cost the company £El,000,000. The New York Times, July 8, 1952.

in regard to legislation where finance was directly involved. Attention is drawn to the fact that in practising its control over financial matters, Parliament exercised another important function; namely, control of the administration. By seeking the money required for the working of all its departments, the executive gave Parliament its ultimate authority to criticise in detail the whole mechanism of the administration while discussing the estimates of State expenditure.

Financial legislation, meaning laws which directly voted supplies or affected taxation, did not follow a different procedure from other legislation. They were usually referred to the standing Committee of Finance, which examined and reported on them to the Chamber. Reports of the Committee were, generally speaking, in accordance with the viewpoint of the Cabinet. For instance, the acceptance by the Committee of Finance of the point of view of the Cabinet in 1941 on the taxes on moveable capital, commercial and industrial profits, and income from work;⁽¹⁾ and in 1942 on the increase of certain taxes including the additional tax, stamp duties and taxes on places of entertainment.⁽²⁾ Moreover, if the Committee introduced some amendments into legislation as proposed by the government, it usually expressed the attitude of the Cabinet towards such an amendment. For instance when the Cabinet in 1944 suggested an increase in the rate of the additional tax, the Committee of Finance, in its report on the subject suggested that this increase should be in a progressive manner. In the report, it was stated also, and emphatically, that this amendment was approved by the Cabinet.⁽³⁾

(1) La Chambre des Députés: op.cit. VII-iv, S.46, pp. 409-412.

(2) Ibid VIII-i, S.7, pp. 88-90.

(3) Ibid VIII-ii, S. 33, p. 313.

Sometimes the Committee did not agree with the Cabinet. In such a case, the Committee also referred in its report to that disagreement. It was the Chamber itself which decided on these divergences of viewpoints. The report of the Committee of Finance on the private member's bill initiated by Ahmed Mohamed Abaza in 1951 aiming at reducing land tax, shows that in spite of the opposition of the Cabinet to that bill, it recommended the passage of the bill.⁽¹⁾

The discussion of financial legislation was characterised by heated debates. This might have arisen out of self interest, but it might also have been based on mere political differences between the Cabinet and the opposing members. In a few cases it simply aimed at the general good.

During the Second World War, when because of the international situation industrialists in Egypt gained unexpected profits, the Cabinet drafted a bill imposing what came to be known as the "Special Tax on Exceptional Profits." Opposition to that tax was found in the Chamber of Deputies. In defence of the interests of the industrialists Ismail Sidky Pasha said:

"This bill is important from many points of view. It is a financial measure which calls for new abnormal orientations in matters of financial legislation. It affects equally the structure of both industry and commerce which, with agriculture, form the basis of international economy. Industry does not consist only of the investment of capital. It also requires initiative; it needs experience

(1) The report cited in Majlisu'n-Nuwwāb: op.cit. X-ii, S.16, pp. 129-136. For further information on that bill see supra pp. 404-407

and bears risks. Do not we need to take into consideration all these factors? By imposing a tax on all these factors, you are killing the most important elements of economic progress. I hope that the Cabinet, which has all my support, will inaugurate an epoch of encouraging industry, instead of creating difficulties and obstacles."⁽¹⁾

In defence of the bill and in reply to Sidky Pasha, Ali Bey El Manzalawi said:

"In the name of social justice, I demand, Gentlemen, that you should adopt that bill The whole country and the Government of His Majesty Farouk I are full of good will towards industry and its protection. Therefore, one cannot pretend that they want to kill it instantly at its birth. The existing industrial enterprises have already amortised a great deal of the cost of the establishments and equipments."⁽²⁾

These controversies in views in the Chamber were mainly due to the existence of some conflicting interests. El Manzalawi seemed to have been representing the non-industrialists. In other words, he seemed to represent landlords' interests. Since the imposition of that tax would not affect the material and financial interests of landlordism, no opposition against the bill emanated from the ranks of landowners. Actually, since the majority of members did not derive any personal benefit from industry, and since the Cabinet was keen on the passage of that bill, the Chamber approved it with a majority of 131 votes against 9.⁽³⁾ From this incident, one could infer that industry was

(1) La Chambre des Députés: op.cit. VII-iv, S.39, pp. 345-348.

(2) Ibid. VII-iv, S.39, p. 362.

(3) Ibid. VII-iv, S.39, pp. 344 et seqs.; S.40, pp. 364-370; S.41, pp. 371 et seqs; S.42, p. 390.

not sufficiently represented in Parliament. The representation of industrialists was too weak to defend their interests.

Time marches on, and with the lapse of time conditions change. It was in 1950 when the Chamber of Deputies discussed a governmental bill providing for the elimination of that "Special Tax on Exceptional Profits." The government stressed that this tax was a temporary one due to war conditions; and since these circumstances had disappeared with the war there was no need for its continued existence. The abrogation of that tax meant the lifting of some burdens imposed on industry and commerce. By taking such a measure the government hoped that the country would benefit and avoid a forecasted slump.⁽¹⁾ Nevertheless, a vigorous opposition against the bill from amongst the rank and file of the Wafd, the party in power at the time, arose. It was based on the following: firstly, that this tax was a means of controlling rising prices, and secondly, it was a good source of State revenue, imposed on both individuals and enterprises. The general progressive tax, which, according to the Cabinet, would compensate the treasury, was applicable only to individuals.⁽²⁾ The discussion was so heated that the President of the Chamber left the chair to speak on the subject. He said:

"I never imagined that a house of representatives, in any country,

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- (1) The address of the Minister of Finance in Majlisu'n-Nuwwāb: op. cit. X-i, S.22, pp.17-18. See the report of the Committee of Finance on the subject, pp.26-27.
- (2) The viewpoint of the opposing group in the Committee of Finance, see the report, Ibid. X-i, S.22, p. 27; Also the views expressed by Dr. Mohamed Belal, Ibid. pp. 10-11: Kamil Youssef Saleh, p. 11. Dr. Mohamed Mandour, pp. 13-14.

would be asked to abrogate a tax, and yet would insist on its continuation.

"The Minister of Finance, who supervises the treasury, is asking you to abrogate that tax saying that he does not need it, and does not want to occupy the governmental machine with the task of collecting it. But some of the Honourable Deputies say that we do not want its abrogation!! I do not think that this is permissible, because the function of representative bodies, which represent the people, is to try as much as possible to lighten the burden of taxes on the people."(1)

However, after that hot discussion, and under pressure from the government, when the Minister of the Interior declared that the government insisted on the abrogation as constituting a part of the government's fiscal policy, the Chamber approved the bill.(2) The controversies in the Chamber about that financial measure seem to have originated, more or less, in the difference of opinion as to what was best for the country as a whole. It seems that there was no influence of personal or group interests behind the discussion.

In this study the Budget comes next. The procedure in regard to the Budget was elaborate, and was outlined by the constitution. Article 138 provided that the Budget should be presented to Parliament three months before the beginning of the financial year. Therefore, in the autumn of every year the different Departments prepared their estimates for the coming financial year. They did not merely set down

(1) Ibid. X-i, S.22, p. 13.

(2) Ibid, X-i, S.22, pp. 18-20; S.23, p. 22.

lump sums. They had to go into details: so much for this purpose and so much for that; so much from this source and so much from that. Their completed estimates were very elaborate and complicated documents. These estimates were closely examined and revised by the Ministry of Finance which was the chief watch-dog against extravagance, and responsible for balancing the Budget. They were then laid before the Cabinet which could not possibly discuss them in detail, but if it was in an economising mood it might demand that this Department or that, should reduce its estimates of expenditure by so many thousands. Such a demand was likely to lead to warm discussions. Finally the Budget was laid before the Chamber of Deputies. (1)

Before the discussion of the Budget began, it was customary for the Minister of Finance to deliver a speech in the Chamber reviewing the economic, social and financial conditions of the country; and explaining the measures the Cabinet was taking for their improvement. On that point, Makram Ebeid Pasha, the Minister of Finance said on the occasion of delivering his address on the 1945-46 Budget:

"It is according to parliamentary tradition the custom of the Minister of Finance to present to Parliament, in every year, in the name of the constitutional government a detailed address on the Budget, after he has prepared and carried out carefully a thorough investigation of the different aspects of the national economy.

"To prove that this tradition is excellent, it is sufficient to say that it provides the representatives of the people with all necessary explanations of a subject of vital importance, on which

(1) Bihayrī, 'A: Al-Mawsū'at al-Māliyah, pp. 6-10.

depends not only their future as members of the Egyptian community, but equally engages their responsibility, in their quality as Deputies charged with watching the interests of the people."⁽¹⁾

The address of the Minister of Finance was usually referred to the Standing Committee of Finance for study and report. The debate on that report gave the Chamber a unique opportunity to tackle many problems which otherwise would never have been brought to the attention of the representatives of the people. Usually the report of the Committee of Finance on the General Economic and Financial Policy coincided with the views of the Minister of Finance; and consequently the Committee used to recommend approval of the address by the Chamber. When the address was passed the Chamber proceeded to discuss the Budget in detail.

It has been mentioned previously that the estimates of the Budget had to be presented to Parliament three months before the beginning of the financial year. Before going any further, one is to be certain as to when the beginning of the financial year in Egypt was. When the Constitution came into effect in 1924 the regulations ruling the financial system remained as they had been arranged in 1914. Therefore, the financial year began on the first of April. In 1926 the government presented to Parliament a bill in order to change that date, to the first of June. Parliament did not agree to that and appointed the first of May to be the opening day of the financial year as from 1927. That rule remained effective until 1946 when a decree law changed the date to the first of March. However, in 1950 the government suggested the modification of that rule. It presented a bill providing for July

(1) La Chambre des Députés: op.cit. IX-i, S.18, p. 4.

to be the beginning of the financial year. Parliament approved that bill to be effective as from 1951.⁽¹⁾

The clear provision in the Constitution that the Budget should be presented to Parliament three months before the beginning of the financial year was designed to ensure that the representatives of the people should have sufficient time to discuss and approve the Budget in time for its application. However, different Parliaments and Cabinets failed to follow that rule of the Constitution. The following table would help in explaining that point.⁽²⁾

Financial year	Date of presenting the Budget to Parliament	Date of the Address of the Minister of Finance	Date of the Promulgation of the Budget law.
1943-44	February 1, 1943	March 16, 1943	May 30, 1943
1944-45	January 31, 1944	January 31, 1944	August 13, 1944
1945-46	February 5, 1945	May 14, 1945	August 11, 1945
1946-47	February 4, 1946	July 2, 1946	July 30, 1946
1947-48	February 4, 1947	March 24, 1947	July 12, 1947
1948-49	December 1, 1947	February 2, 1948	July 8, 1948
1949-50	December 6, 1948	December 27, 1948	August 13, 1949
1950-51	March 13, 1950	March 28, 1950	August 1950.

In explaining the causes of the delay of the approval of the Budget by Parliament, the Committee of Finance in 1950 expressed the following viewpoint:

- (1) Majlisu'n-Nuwwāb: op.cit. X-i, S.40, pp. 46-48; see also the Report of the Committee of Finance on that bill, Ibid, pp. 179-184.
- (2) The table is based on material provided by the Committee of Finance in its Report on the bill aiming at changing the date of the beginning of the Financial year. Ibid X-i, S.40, p. 180.

"If the Budget comprehending all items of expenditure and sources of revenue were presented in full and accompanied with the explanation of the government in the constitutionally fixed time; and if the information required by the Committee from different Ministries and Departments arrived in a convenient time; and if the successive governments did not introduce amendments into the Budget so late as they did, the promulgation of the Budget law would never have been delayed until after the beginning of the financial year."⁽¹⁾

After its approval of the General Economic and Financial Policy, Parliament proceeded to the discussion of the Budget. That discussion provided the members with an excellent opportunity of exercising an effective control over the Cabinet. Members of Parliament were entitled to discuss and argue every item in the Budget except those allotted to the payment of instalments of the public debt and expenditure listed for the execution of an international obligation.⁽²⁾ During the discussion of the estimates devoted in the Budget of 1950-51 to the Ministry of Foreign Affairs, there came an opportunity for the Chamber to discuss the international situation and debate the foreign policy of the Cabinet. That debate started with the presentation of two amendments to these estimates. Ibrahim Talaat suggested the curtailment from the Budget of the funds devoted to the share of Egypt in its

(1) Ibid. X-i, S.40, p. 181. Cf. The case when in 1941 some Deputies criticised the delay of the discussion of the Budget. The President of the Chamber answered that it was due to the request of some ministries to introduce amendments into the estimates of their Departments. La Chambre des Députés: op.cit. VII-iv, S.57, p. 490.

(2) 1923 Constitution, Art. 141.

participation in both the U.N.O. and the Arab League. After a hot discussion in which the Minister of Foreign Affairs took part to oppose these two amendments, the President of the Chamber ruled that the proposed amendments were contrary to Article 141 of the Constitution and refused to take a vote on them.⁽¹⁾

Moreover, the discussion of the Budget enabled Parliament to examine and criticise the organisation of public administration and suggest some means for its improvement. It was during the debate on the Budget in 1950 that the Chamber criticised the government's plan to divide the Department of Mines and Quarries into two. Mohamed Hanafi El Sherif said about that matter:

"I cannot find any justification for that partition because it burdens the State with sums that could be easily dispensed with. We know that from the viewpoint of their work, the two Departments are in close conjunction. From the viewpoint of finance, this partition will burden the Budget because of the establishment of high ranking posts."⁽²⁾

On the same subject another Deputy, Sheikh Abdel Azim Eid said:

"We always complain of the great number of posts and of civil servants. Therefore, there is no need to create from one Department with coherent functions, two independent Departments with the ultimate consequence of an increase in the number of civil servants and more burdening of the Budget."⁽³⁾

It was only after the participation of the Minister of Commerce and Industry in the debate to explain the viewpoint of the Cabinet that

(1) Majlisu'n-Nuwāb: op.cit. X-i, S.29, pp.18-22.

(2) Ibid. X-i, S.31, p.12.

(3) Ibid. X-i, S.31, p.13.

the Chamber approved the division of that Department into two.⁽¹⁾

In spite of the absolute right of members of Parliament to control the executive and discuss the Budget, as indicated, restrictions on the discussion of the Budget were imposed at certain times. In 1942, before the debate on the general financial policy began, the President of the Chamber declared:

"The report of the Committee of Finance on the general financial policy of the State shall be submitted during the sitting of next Monday. I suggest that members who wish to take part in the discussion of that subject should present to the Bureau of the Chamber a request indicating the points which they intend to treat. It is my opinion that there is no need to discuss the estimates of expenditure of the different Ministries, because the time does not allow that, and the Budget has been sufficiently delayed."⁽²⁾

Although that rule was faced with criticism from both supporters of the Cabinet,⁽³⁾ and the weak Opposition,⁽⁴⁾ the Chamber decided to accept it. Again, the effectiveness of that rule was confirmed when the President in 1951 declared:

"The Committee of Finance has completed its Report on the general financial policy of the State. It will be distributed tomorrow. Then, we shall start its examination during a sitting to be held next Sunday; and we should continue that discussion during the following sittings.

(1) Ibid. X-i, S.33, p. 14.

(2) La Chambre des Députés: op.cit. VIII-i, S.12, p. 128.

(3) Cf. The criticism of Fakhry Bey Abdel Nour, Ibid. VIII-i, S.15, pp. 182-186.

(4) Cf. The criticism of Mohamed Mahmoud Galal, Ibid. VIII-i, S.12, p. 128.

Therefore, I request the Honourable Deputies who asked to participate in the discussion to notify the Secretariate of their intention to participate and the subjects about which they want to talk When we finish the discussion of the general financial policy we shall turn to discuss the estimates of expenditure of the different Ministries. No one will be permitted to take the floor except in particular cases and in accordance with the parliamentary custom of 1942, that is to say, when the amendment or omission of an item is suggested."⁽¹⁾

It is of some interest to quote here part of a discussion on that point. During the examination of the Budget in 1951 one of the Deputies presented an amendment to the estimates of the Ministry of Justice. It was introducing an increase in these estimates in order to raise the salaries of judges of the Islamic Courts (Al-Mahakimu^{sh}-Shar^{ciyah}). Announcing this proposed amendment, the President said:

"I pray that it should be noticed that constitutionally we are not allowed to propose to raise estimates provided in the Budget if they were devoted to the civil service. Our task, when treating the Budget, is exclusively to approve, to reject or to reduce; to increase is, therefore, not of our rights, and that is according to constitutional traditions and parliamentary precedents."⁽²⁾

In reply, Sheikh Abdel Azim Eid said:

"The presentation of the Budget to the Chamber means that its approval, rejection, or amendment in any manner is an absolute right of that Chamber. Otherwise, the Chamber would not have the complete

(1) Majlisuⁿ-Nuwwāb: op.cit. X-i, S.23, p. 4.

(2) Ibid, X-ii, S.36, p. 13.

authority on the Budget of the State; because if it is prevented to
amend by increasing the funds, its authority would become incomplete...⁽¹⁾

In spite of that clear divergence on such an important constitutional point, the Chamber did not give the matter serious attention. The Chamber yielded to the autocracy of the executive and accepted its deprivation from one of its essential rights.

To provide more proof of the ineffectiveness of the financial control of Parliament, one should refer to the 'supplementary credits'. This was a system which enabled the executive to face any financial emergency for which it had not provided while preparing the Budget. It was allowed to ask Parliament to approve the expenditure of a certain sum devoted to a particular purpose. On the surface the system seems to be of some value; but the fact that during a parliamentary session 59 per cent (89 out of 152) of the legislation passed in the Chamber of Deputies provided for supplementary credits leads one to doubt its real value.⁽²⁾

The Cabinet did not only exaggerate in asking Parliament to authorise supplementary credits - something which indicates the inefficiency of the Budgetary system - but also it frequently decided the matter and directed the funds to their destinations before acquiring the authorisation of Parliament. In criticism of such an action of the Cabinet, Ali Bey El Manzalawi said:

"The credit requested has been already spent; something which is not permitted, because in such a case the control of Parliament over the actions of the government is paralysed. The Constitution provided that

(1) Ibid. X-ii, S.36, p. 13.

(2) La Chambre des Députés: op.cit. VIII-iii, S.60; p. 454.

the government should obtain, in advance, the authorisation of Parliament before drawing such credits; not to spend them first and then ask for their approbation."⁽¹⁾

Moreover, it might be of interest to quote here some of the discussion on a bill providing for a supplementary credit.

"Ahmed Mohamed Birairi:- It is said that what you deal with is a supplementary credit, but in fact it is not one, it is an 'excess'

"The President:- In my capacity as President of the Chamber I never allow the government to spend and come afterwards to the Chamber seeking its consent to that expenditure. This is an unconstitutional action which I do not accept.

"Dr. Hamid El Sherif:- This is not the first time in which the Cabinet imposes on the Chamber 'de facto' conditions by spending in excess and then coming to the Chamber asking its approval of what it has already spent."⁽²⁾

The Audit Department criticised bitterly these unconstitutional actions and considered them dangerous. It referred to them in its reports, and the Committee of Finance in the Chamber echoed the cries of the Audit Department, when in one of its reports it said:

"..... One of the most dangerous actions is to exceed the funds provided for by the Budget of the State without any authorisation from the Chamber. This case is repeated every year, and the Chamber has been criticising and admonishing against it. But in every case we find that the responsible officials continue to spend and face the Chamber with the 'de facto' conditions.

(1) Ibid. IX-ii, S.4, p. 14.

(2) Majlisu'n-Nuwwāb: op.cit. X-ii, S.41, pp. 8-9. Cf. A similar case and discussion, La Chambre des Députés: op.cit. VII-iv, S.68, p. 563.

"No doubt that the continuation of that situation is only due to the certainty of these officials that the best way to force the Chamber to agree to their wishes is to face it with the de facto condition. It is regrettable to admit that the Chamber has enabled them to assault its authority and to continue practising these unconstitutional actions" (1)

The Audit Department (Dīwānu'l-Muhāsabah) was established in 1942 with the aim of controlling finances. It audited the accounts and reported to Parliament. It was concerned with the proofs of payment and the proper expenditure of the money. It did not only report upon legality but also upon the wisdom and economy of expenditure; that is to say it was concerned with waste in so far as it could be detected. In creating the Audit Department, Parliament placed a permanent executive office with the task of controlling the executive elements engaged in spending.

The status of the Audit Department was unique. It was an independent institution, and formed no part of the executive power. The President of the Audit Department was appointed by the King on the recommendation of the Cabinet for the period of five years. He was responsible only to Parliament, and was removeable only on a resolution passed by the Chamber of Deputies. (2)

(1) Majlisu'n-Nuwwāb: op.cit. X-ii, S. 37, p. 108.

(2) The only precedent when the Chamber of Deputies resolved on the dismissal of the President of the Audit Department was in 1945. After the return to power of the anti-Wafdist coalition, the Chamber supporting that coalition passed a resolution urging the Cabinet to dismiss Kamil Pasha Sidky, the Wafdist President of the Audit Department. La Chambre des Députés: op.cit. IX-i, S.6, pp. 2-3. In accordance with that resolution he was dismissed and the Cabinet officially conveyed that to the Chamber. Ibid IX-i, S.10, p.2.

The independence of the Audit Department enabled it to perform its function in an appreciated manner.⁽¹⁾ The ultimate result, however, was that Parliament which was the only authority that could take effective measures to stop irregularity in financial actions, stood paralysed before the dictatorship of the executive. For instance, when differences between the Cabinet and the President of the Department obliged the latter to resign his post some Deputies tried to find out the real motives behind that resignation, the Cabinet did not give any explanation and the Chamber kept silent.⁽²⁾ Moreover, Parliament did not pay much attention to the reports of the Department, with a result that different executive elements disregarded the Department's directions. That point was raised in the Chamber of Deputies when Atta Bey Afifi said:

"The Audit Department has emanated from the will of the Chamber of Deputies. The first report presented by the Department revealed numerous infractions in the administration. But the different administrations paid no attention^{to} the remarks formulated by the Department; and this would result in the ineffectiveness of the control which it exercises"⁽³⁾

The ineffectiveness of the Chamber of Deputies in the sphere of finance has been shown. The evidence provided proves that this ineffectiveness originated from its actions with regard to State Expenditure. The question of custom duties provides further evidence of ineffectiveness with regard to the function of supervising State Revenue.

(1) Cf. The Report of the Department reviewed by the Committee of Finance, Majlisu'n-Nuwāb: op.cit. X-ii, S.37, pp. 107 et seq.

(2) Ibid. X-i, S.23, p. 4.

(3) La Chambre des Députés: op.cit. IX-ii, S.14, p. 144.

Custom duties were imposed by the executive. Parliament delegated its authority to supervise this kind of tax to the Cabinet. This delegation of authority originated, when during the abrogation of the 1923 Constitution a decree law fixing the rates of custom duties was promulgated. This decree law should have been presented to Parliament during the 1936-37 parliamentary session to pass it as a law. Instead, it became customary to prolong every year the period during which that decree law should be brought before Parliament. Thus leaving in the hands of the executive, without any supervision from the representatives of the people, the fixation of that important item of State revenue.⁽¹⁾ So important were custom duties that the Committee of Finance in its report about the 1949-50 Budget said:

"The greatest element in the Revenue is custom duties which amounted to £E65,627,000, i.e. more than 45% of the aggregate Revenue. No doubt that resorting to custom duties for the collection of about half the revenue is one of the economic principles which could not be defended. The burden of custom duties, which are indirect taxes, lies, ultimately on the consumer. It results in increasing prices and decreasing purchasing power"⁽²⁾

As mentioned by the Minister of Finance in 1946, certain members used to express their opposition to the right of Parliament to supervise custom duties being delegated to the Cabinet.⁽³⁾ The opposition mainly came from Ali Bey El Manzalawi who addressed the

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- (1) The Explanatory Note presented by the Ministry of Finance on that subject, cited in Majlisu'n-Nuwwāb: op.cit. X-ii, S.40, p.62.
 (2) The report of the Committee of Finance, cited in Ibid. IX-v, S.19, p.679.
 (3) La Chambre des Députés: op.cit. IX-ii, S.41, p.392.

Chamber of Deputies on that point in 1946 saying:

"The mandate, which you demand every year to be conferred on the government, constitutes a blow to your right to control the actions of the government in relation to the customs. That question is extremely serious, because custom duties have effect on prices of necessary goods and on local industry. Therefore, I urge you not to accord that mandate."⁽¹⁾

However, Parliament deliberately agreed in the succeeding years to grant the executive that mandate, which meant depriving itself of an aspect of its functions.

As indicated before, every parliamentary session was inaugurated with a Speech from the Throne. That Speech passed in review the activities of the executive in the previous year, and its plans for the following one. In accordance with the Constitution, each of the two Chambers of Parliament presented an Address in reply to the Speech.⁽²⁾ The custom was that each of the two Chambers selected a special standing committee, usually presided over by one of the Vice-Presidents, to draft the Address. Generally speaking, the committee backed the Cabinet. The draft of the Address complied with the government's policy appreciating what the Cabinet had done and supporting what it was intending to perform. Sometimes tendencies hostile to the Cabinet were found in the Committee. They were weakened, if not crushed by the strength of the majority the government usually held. While drafting the Address in reply to the Speech from the Throne in 1950 such a

(1) Ibid. IX-ii, S.41, p. 391.

(2) 1923 Constitution, Art. 42.

situation was found. Although the Committee paid little attention to the voices of the Opposition inside the Committee, the divergence of views was brought before the Chamber which decided in favour of the Cabinet and the majority in the Committee. (1)

The Address in reply to the Speech from the Throne was not definite before it was discussed and voted on by the Chamber. This provided the Chamber with an opportunity to debate on the general policy of the Cabinet. Emphasising the merits of the debate on the Address, Abdel Aziz Bey El Sofani said:

"The Address in reply to the Speech from the Throne provides an opportunity, every year, for criticising or praising the policy of the government." (2)

That opportunity was presented as soon as Parliament settled down to the work of the session. The atmosphere of such a debate varied from one year to the other. Its ultimate ending, however, was the approval of the committee's report and the draft Address. The leaders of the Opposition parties directed the attack on the government's policies, past, present and future. Supporters of the Cabinet spoke in its defence. The Prime Minister or one of the ministers astute and of sound standing, defended these policies at length. Members of Parliament felt free to join in the debate on the Address in reply to the Speech from the Throne. The great merit of that debate from the viewpoint of the private member was that the field of argument was virtually unlimited, and it was, therefore, possible to talk about anything under

(1) Majlisu'n-Nuwwab: op.cit. X-ii, S.4, pp. 17-19.

(2) La Chambre des Députés: op.cit. VIII-iii, S.8, p. 61.

the sun. (1) The extent to which members took advantage of this extended field varied from year to year, but the tendency was for a large number to use it as a convenient chance of expressing their own views, if not for the edification of their constituencies. They expressed no precise views or presented no useful ideas, but only touched on the general outlines of different subjects. Since the Speeches from the Throne were identical - they usually treated two main subjects: (a) the foreign policy, mainly Anglo-Egyptian relations, and the efforts of the Cabinet to achieve the national demands; and (b) home affairs and their improvement, but the measures suggested were rather ambiguous - it is not strange to find that the debate in different years followed one pattern. Moreover, Deputies repeated themselves every year. (2)

In 1941, on a request from the Cabinet the Chamber decided to divide the debate on the Address in reply to the Speech from the Throne into two parts: (a) internal policy, and (b) foreign policy with reference to the international situation and events of the Second World War. It was decided also that the latter part of the debate would be

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- (1) Cf. The case when in 1942 Abdel Aziz Bey El Sofani tried to tackle the subject of the legality of the 1936 Treaty of Alliance with Great Britain. The Cabinet objected to that and requested the President of the Chamber to prevent that member from continuing his talk on this subject. The President, after consulting the Chamber, agreed to the request of the Cabinet. However, it was explained that the debate on the Address in reply to the Speech from the Throne ought to be within the limits of those subjects treated by both the Speech and the Address. Ibid. VIII-i, S.5, pp. 61-63.
- (2) See the debates on the Address in reply to the Speech from the Throne. Ibid. VII-iv, S.8, pp. 35-39; VIII-i, S.5, pp. 61-67; VIII-ii, S.3, pp. 14 et seq; IX-i, S.4, pp. 2 et seq.; IX-ii, S.8, pp. 49-57; S.9, pp. 59 et seqs., and S.10 pp. 76 et seqs.; Majlisu'n-Nuwwab: op.cit. IX-v, S.6, pp. 71 et seq; X-i, S.3, pp. 15-17, 19 et seq; X-ii, S.4, pp. 19 et seq.; S.5, pp. 15 et seq.

held in camera. However, it seems that there arose a strong opposition to the Cabinet's policy in that regard. This may be easily deduced from the following statements:

"The Prime Minister: - I present before the Honourable Assembly the question of confidence in the policy of the government with regard to foreign affairs and the military situation which the Chamber has been discussing at length during the three sittings held in camera.

"Dr. Ahmed Maher Pasha, The President of the Chamber⁽¹⁾ I demand that action should be taken in regard to my protest against the government for its delay in submitting its statement to the Deputies in a time suitable to allow them to discuss and decide on it. Moreover, I declare, in my own name and on behalf of my colleagues, that we have no confidence in such a government."⁽²⁾

However, the Chamber voted confidence in the government with a majority of 122 against 68. This was the only time that the debate on the Address developed into a question of confidence in the Cabinet.

Moreover, the Opposition in 1943 tried to introduce amendments into the draft of the Address in reply to the Speech from the Throne in order to force the government to end the state of martial law. However, the government mobilized all its supporters and these amendments were rejected. The incident had some importance because it was the first time that such a positive attitude towards amending the Address had appeared. Moreover, it showed, as was expressed in the debate by the Prime Minister, that the introduction of any amendment into the Address

(1) He was in the same time the leader of the Saadist Party.

(2) La Chambre des Députés: op.cit. VII-iv, S.7, p. 29.

would mean a vote of no confidence in the government.⁽¹⁾

In its control over the executive, the Chamber of Deputies had at its disposal four means: (1) The question; (2) the interpellation; (3) the motion for discussion; and (4) the vote of confidence. The first two methods have been discussed while speaking about the Senate. Nevertheless, the addition of a few observations about their use in the Chamber of Deputies seems useful, and there now follows a study of the way in which the Chamber exercised control over the Cabinet.

(1) The Question:

As already mentioned the purpose behind the interrogation varied. It might be a simple inquiry for information, or a covert attack on a minister. It might be a search for material to use in a later debate, or an attempt to win favour in a constituency. It might be an endeavour to call public attention to a grievance, or a chance to induce the government to commit itself to a policy. Parliamentary questions, in the Chamber of Deputies, covered a vast range of public affairs. Despite their great number, parliamentary questions were abused by different members. They were used by those members who could not participate in any parliamentary activity and desired to prove their existence as members in Parliament. Moreover, they were frequently used to embarrass a particular Minister or to achieve some immediate personal advantage or purpose.⁽²⁾ However, parliamentary questions, generally speaking, were aimed at revealing facts about both home and foreign problems. From that viewpoint one could say that the

(1) Ibid. VIII-iii, S.8, pp. 78 et seq.

(2) Madkūr and Ghālī: op.cit. p. 111.

parliamentary question was a successful device in the working of the Egyptian representative system. The records of the Chamber are filled with various parliamentary questions, with different motives behind each. In nearly every sitting, Ministers had to answer questions presented to them by different members of Parliament. (1)

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- (1) For the reinforcement of the argument some sampling of these questions are provided. For instance questions were answered on the following subjects: the compensation of victims of air-raids on Egypt, La Chambre des Députés: op.cit. VII-iv, S.5, pp. 13-14; sequestrators on enemy property, Ibid, VII-iv, S.6, p. 19; members of Parliament engaged in membership of boards of administration of different enterprises, Ibid, VII-iv, S.8, p. 34; social centres, Ibid. VII-iv, S.18, p. 148; the possibilities of establishing an industrial Bank, Ibid VII-iv, S.31, p. 241; prices of food supplies especially fish, VIII-ii, S.16, p.121; the Black Book, VIII-ii, S.25, p. 171, (during that session - 1942-43- questions which had no aim except attempting to defend the Wafdist Cabinet against accusations provided by the Black Book were answered in the Chamber), the installation of a pipe line by the British authorities in Egypt, VIII-iii, S.32, p. 306; the electrification of the Aswan Dam, VIII-iii, S.35, p. 322, the relation between Bank Misr and the government, VIII-iii, S.41, pp. 384-385; the distribution of food supplies especially flour, sugar and kerosene in Cairo, IX-i, S.5, p. 1; conditions of irrigation; cleaning the streets of Cairo, IX-i, S.20, pp. 2-4, the participation of Egypt in the reconstruction of Europe, and the U.N.O.; IX-i, S.20, pp. 2-4; financial conditions, IX-i, S.24, p. 2; Anglo-Egyptian relations and the national demands, IX- extraordinary session, Oct. 1945, S.3, p.20; prices of Sudanese products; means of transport in Cairo, IX,-ii, S.3, p. 10; dismissal of workers from the British Ordinance, IX-ii, S.29, p.250; company law, the share of Egypt in the revenue of the Suez Canal Company, IX-ii, S.34, p. 300; civil servants, IX-iii, S.7, p.27; electricity in Alexandria, IX-ii, S.14, p.97; the possibility of nationalising the National Bank of Egypt; the application of the Company law to the Suez Canal Company, Majlisu'n-Nuwwab: op.cit. IX-v, S.7, p. 90; causes of the deterioration of prices of cotton, Ibid, IX-v, S.24, pp. 960-961; the activities of the Minister of Foreign Affairs abroad, Ibid, IX-v, S.37, p.2483; causes of the rise in prices of petrol, Ibid X-i, S.5, p.8; the progress of the investigation into the murder of Hassan El Banna, the leader of the Moslem Brotherhood, Ibid X-i, S.31, pp. 10-11; the incident of the British vessel Empire Roch, and Anglo-Egyptian relations. Ibid X-ii, S.36, pp. 5-10

When questions were embarrassing, the Cabinet or the Minister responsible attempted to avoid answering them. One of the best examples is a question about certain incidents in the Canal Zone in 1951. The question was on the Order of the Day of the Chamber to be answered in the Sitting of September 3, 1951. The Prime Minister asked for the postponement of answering this question. This request was repeated three times until the parliamentary session came to a close and there was no chance at all of answering the question.⁽¹⁾

2. The Interpellation.

As mentioned before, interpellations were an effective means of controlling the executive. They expressed resentment of the Cabinet for a particular act. Thus an interpellation could develop into a question of confidence in the Cabinet. However, it seems what members of Parliament never fully realised the difference in the nature of the question and the interpellation. This resulted in a great number of interpellations being moved in Parliament. It looked ridiculous that on the Order of the Day of that sitting or the other, one item of the Chamber's business was the discussion of six or seven interpellations. Actually, if the Chamber wished to discuss seriously any of these interpellations, it would take from its time more than one sitting. Accordingly, it is not to be wondered at that almost all interpellations ended with the customary resolution to return to the Order of the Day. Moreover, it seems that the rules of procedure which gave priority to a proposed resolution aiming at bringing the discussion to an end and

(1) Ibid. X-ii, S.42, p. 4; S.43, p. 6; S.45, p.4; S.46, p.3.

returning to the Order of the Day, were also responsible for the ineffectiveness of interpellations. It may be interesting to note that interpellations appeared more during certain seasons, namely when the downfall of a Cabinet was in sight. In other words, interpellations were numerous and vigorous when the weakness of the Cabinet was felt. When it was in a solid position, Deputies scarcely interpellated the executive. Therefore, one could say that interpellations did not create or cause any ministerial crises, but they were the outcome of or were motivated by such crises. (1)

Sometimes, members presented interpellations without any previous study of their subjects, or of the actions of the government which they were not only criticising, but also reproaching. For instance the Chamber fixed a certain sitting for the discussion of an interpellation presented to the Minister of Communications about the derogation of the rules concerning permits for running buses. The member who had reproached the government on that subject, Mohamed Bey Sakr, came to say on that particular sitting:

"After presenting that interpellation, it came to my knowledge that the Ministry of Communications is preparing a bill to regulate all means of transport, and to eradicate all reasons for complaints. Also the bill will remedy the defects to which I have referred in my interpellation. Therefore, that interpellation which I have presented has lost its 'raison d'être'." (2)

(1) Madkur and Ghali: op.cit. pp.112-114.

(2) La Chambre des Députés: op.cit. IX-ii, S.28, p.243.

In few cases, the Chamber passed, in consequence of discussing interpellations, resolutions urging the executive to perform a specific action. After a keen discussion about the appointment of members of Parliament as sequestrators of the property of Germans and Italians during the Second World War, the Chamber of Deputies passed the following resolution:

"After hearing statements from the interpellators, the government, and Honourable members taking part in the discussion, the Chamber does not approve the principle of nominating members of Parliament as sequestrators on property sequestrated because of the War."⁽¹⁾

It is worth noticing that the Cabinet submitted to that resolution and notified the Chamber about the effective steps taken by it for the application of that rule.⁽²⁾

On the other hand, the Cabinet frequently paid no attention to such resolutions. This negligence of Parliament's opinion induced Abdel Hamid Abdel Hakk to declare in the Chamber:

"It seems that suggestions and interpellations presented by the Honourable Deputies are neglected. In its answers, the government tries to satisfy the Honourable Deputies by friendly and pleasant speeches, without attempting to bring them to be effective. This attitude reveals the absence of any collaboration between Parliament and successive governments; it denotes that the government has no stable policy but adopts programmes improvised according to circumstances."⁽³⁾

(1) Ibid, VII-iv, S.24, p.194.

(2) Ibid. VII-iv, S.34, p.274.

(3) Ibid. VII-iv, S.54, p.474.

Although, as it has been repeated, an interpellation was a means of reproaching the government, and could develop into an issue of confidence in the Cabinet, such development was never found unless the Cabinet so desired. Naturally, as one would expect, raising the question of confidence in the Cabinet was very infrequent. However, to illustrate this argument, the discussion of the interpellation about air-raids on Alexandria and the achievement of the government in the sphere of civil defence is a good example. In spite of a strongly hostile attitude towards the Cabinet, certain deputies suggested the closure of the discussion and the return to the Order of the Day. Nevertheless, faced with another proposed resolution moved with the aim of blaming the Cabinet and considering the precautions of civil defence to be insufficient, the Cabinet raised the issue of the confidence of Parliament in it. This appeared as a challenge from the Cabinet to the Chamber to vote in its favour, otherwise it would resort to the King's right to dissolve the Chamber. This opinion could easily be inferred from the insistence of the Cabinet that the voting on the question of confidence should be carried out without any application of the constitutional rule permitting the postponement of such a motion for eight days.⁽¹⁾

In other cases the majority which the Cabinet held in the Chamber was a sufficient safety valve enabling the Cabinet to hold the confidence of the Chamber. For instance, after the discussion of the interpellation moved by Makram Ebeid Pasha about certain specified

(1) Ibid. VII-iv, S.55, pp.479-480.

accusations against the Wafdist Cabinet and administration, the Chamber passed a resolution expressing its regret for what it called "unjust and criminal accusations". Simultaneously, the Chamber passed a unanimous vote of confidence in the Cabinet. This vote of confidence was, as described in the resolution, a renewal or reinforcement of the Chamber's confidence in the Cabinet.⁽¹⁾ It was the outcome of party manoeuvre. It aimed at washing out all traces of that vigorous attack on the Cabinet, and the accusation of its members with corruption and nepotism which had been made against the Wafd and the Cabinet.

3. The Motion for Discussion.

This device, which was introduced to the Egyptian Parliament in 1941, enabled the private member to move the discussion of any subject he judged to be of public importance. It seems to have been something in between the question and the interpellation. It allowed an exchange of opinions between the Chamber and the government, but it did not carry with it any reproach against the Cabinet. As emphasised by the President of the Chamber, the device of the motion for discussion was adopted in the Egyptian Parliament in imitation of the British system. He added;

"Its aim is apparent when there emerge important matters which may affect the public weal economically or politically, and the Chamber wishes to ascertain the views of the government, or the

(1) Ibid.VIII-ii, S.42, pp.390-391.

government thinks it appropriate to be informed with the attitude of the Chamber, then such matter may be moved for discussion. Therefore it is neither a question which aims at obtaining information, nor an interpellation which bears certain accusations. It is only a discussion where ideas are exchanged for the sake of the public interest...! (1)

The motion for discussion was simply a means to enable a subject to be brought before the Chamber. The member moving such a motion would probably succeed in doing more than force a discussion, for the Cabinet could not abstain from offering some comment on the issue which had been raised. A minister was, therefore, apt to attempt a defence or at least make a statement which would involve an enunciation of government policy. For illustration, the discussion on the decision of the 'Société des Sucreries' to close down two factories in Upper Egypt causing the unemployment of some thousand workers and affecting the interests of sugar-cane planters, helped in clarifying the attitude of the Cabinet towards the matter, and in expressing the views of members of Parliament. Moreover, the discussion resulted in a promise from the Cabinet to induce the Company to keep the two factories going. (2) Again, the discussion in 1949 on the restrictions imposed on the industry and trade of textiles was of some importance, because as the Prime Minister declared:

"the object of this discussion is to know the trend of public opinion. Every Deputy is in contact with his constituents, and he is in a better position to know what they wish. The government will

(1) Majlisu 'n-Nuwwāb: op.cit. X-i, S.9, pp.10-11

(2) Ibid. IX-v, S.19, pp.644-652

stand as a judge between the companies and the people."⁽¹⁾

Although the discussion did not result in any concrete resolution, and the Chamber simply agreed to the closure of the discussion and the return to the Order of the Day, one could not overlook the fact that it reflected public opinion and showed the conflict of differently interested groups in the Chamber.⁽²⁾ Motions for discussion covered a vast field of the Egyptian life; and it seems sufficient to mention some of the subjects moved for discussion: the national demands,⁽³⁾ the deteriorating social and sanitary conditions,⁽⁴⁾ the agricultural policy,⁽⁵⁾ the high cost of living,⁽⁶⁾ and the deterioration of prices of cotton.⁽⁷⁾

4. The Vote of Confidence.

This was the most direct method of launching an attack on the Cabinet. Although the Constitution provided for such a measure to be moved in the Chamber of Deputies, it was usually brought in as an amendment to another motion or by an immediate attack on a government measure. The question of confidence raised in 1943 in consequence of the discussion of Makram Pasha's interpellation could be considered as an amendment to an original motion; while that raised in 1941 during the debate on the Address in reply to the Speech from the Throne was

(1) Ibid. IX-v, S.21, p.766

(2) Ibid. IX-v, S.21, pp.760-766; S.23, pp.871-876

(3) Ibid. X-i, S.28, pp.38 et seq and 53-58; La Chambre des Députés: op cit. IX-iii, S.9, pp.36-46; IX-iv, S.3, p.5.

(4) Ibid. IX-iii, S.16, pp.124-126

(5) Ibid. IX-iv, S.11, pp.2-3; Majlisu n-Nuwwab: op.cit. IX-v, S.31, pp.1581-1588

(6) Ibid. X-i, S.9, pp.44 et seq; S.13, pp.7 et seq; S.14, pp.30 et seq
La Chambre des Députés: op.cit. IX-iv, S.14, pp.10-11

(7) Majlisu n-Nuwwab: op.cit. X-i, S.11, pp.11 et seq.

the result of a direct attack on the government's foreign policy. (1)

Usually the Cabinet took the initiative to demand a vote of confidence from the Chamber. This demand generally appeared as a threat by the Cabinet to take measures for the dissolution of the Chamber if that body did not vote in its confidence. Thus in February 1946, after the resignation of El Nokrashy Pasha, the new Prime Minister feeling that the Saadist Party which held the majority of seats in the Chamber was not in complete favour of his Cabinet, asked the Chamber to confirm its confidence in the Cabinet. Virtually, the Chamber voted in confidence of Sidky Pasha and his Cabinet. (2)

It seems important to point out that the Chamber scarcely used its right to move an issue of confidence in the Cabinet. Moreover, whenever such a question appeared, the Chamber felt reluctant to vote no confidence in the Cabinet, to the extent that even those who had expressed their opposition to the government did not cast votes of no confidence, but abstained altogether from voting. However, attention is drawn to the fact that the Chamber never passed a vote of no confidence in any Cabinet.

Besides legislating and controlling the executive, a Lower House of Parliament, according to Walter Bagehot should express the mind of the people it represents, and should educate public opinion on different questions. (3) Now let us consider the activities of Parliament in Egypt with regard to these two functions.

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- (1) Both incidents have been discussed above, see supra
 (2) La Chambre des Députés: op.cit. IX-ii, S.15, pp.148-149 & 155.
 (3) Bagehot, W.: The English Constitution, pp.117-118.

It seems that Parliament expressed the Egyptian nation's opinion in words, when it happened that words, not laws, were wanted. Subjects discussed in Parliament covered a vast scope. They extended to reach nearly every branch of life. When prices rose high and food supplies became scarce the subject was discussed in earnest.⁽¹⁾ When some cities were bombed during the Second World War, the Chamber busied itself to examine and discuss the validity of the preparations taken by the government for the civil defence of the country.⁽²⁾ Home affairs, ranging from minor matters, such as the acceptance of particular students in the University,⁽³⁾ to such big issues as the improvement of social and sanitary conditions,⁽⁴⁾ and plans for land reform⁽⁵⁾ were brought in front of the Chamber. To enumerate such cases where Parliament functioned to express grievances and the aspirations of the people would be neither an easy nor a brief task. The above mentioned examples, however, may suffice to prove that viewpoint.

Moreover, in the sphere of foreign affairs, and especially on the question of Anglo-Egyptian relations, Parliament discussed them freely. Members expressed themselves in a manner, never adopted otherwise, and which found appreciation amongst the people. Incidents where foreign affairs were discussed, and national demands and aspirations were expressed, are numerous in the parliamentary annals of Egypt. Therefore,

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- (1) La Chambre des Députés: op.cit. VIII-i, S.11, pp.121-122; S.14, pp.138 et seq; Majlisu'n-Nuwwāb: op.cit. X-i, S.13, pp.7 et seq; S.14, pp.35-45
 (2) La Chambre des Députés: op.cit. VII-iv, S.6, pp.19-21
 (3) Ibid. VII-iv, S.13, pp.92-93; S.25, pp.197-198
 (4) Ibid. IX-iii, S.16, pp.124-126
 (5) Majlisu'n-Nuwwāb: op.cit. X-i, S.12, p.14.

it seems sufficient to refer to a few incidents where this particular subject was dealt with: the interpellation about a broadcast by the British Prime Minister on December 12, 1940 which was interpreted to mean the placing of Egypt under a British Protectorate;⁽¹⁾ the interpellation about Anglo-Egyptian relations and certain statements made by British authorities considered as violations of Egypt's independence and the 1936 Treaty;⁽²⁾ the discussion following the surrender of Germany, it extended to comprehend the national demands of Egypt;⁽³⁾ and, the discussion of the foreign policy of the government.⁽⁴⁾ Not a single parliamentary session expired without the discussion of one interpellation or more relating to foreign affairs. The discussion of foreign affairs did not require any legislation, all that was needed was a thorough expression of sentiment poured out in words only.

Frequently the Chamber discussed many questions on which the electorate did not have any convictions, or on which they might need further information and guidance. The debates in Parliament, however, had little teaching efficacy. It seems that certain members of Parliament monopolised the platform in the Chamber. The same names appeared whenever a debate of any kind was carried on. Parliament talked, agreed, investigated, opposed, decided and sometimes postponed action on some matters. This would have aroused the interest of the people and would have helped in creating an enlightened opinion throughout the country. However, Parliament did not actually teach the

(1) La Chambre des Députés: op.cit. VII-iv, S.13, pp.91-92

(2) Ibid. VIII-iii, S.38, pp.340-346

(3) Ibid. IX-i, S.18, pp.2-3

(4) Ibid. IX-ii, S.15, pp.149-155

people as much as it might. This teaching would not mean philosophy and hard abstract matters to be stated in Parliament. Only popular teaching was required. Popular in the sense of being concrete, short, to the point and in accordance with the popular understanding.

Professor Ivor Jennings described the process of educating the electorate in Britain. He said: "So the discussion radiates from Westminster in waves of ever-decreasing elasticity. Arguments are transmuted, prevented, simplified, perhaps distorted. A 'common opinion' develops, and creates new waves which find their way back to Westminster. They set going new arguments in the smoke room, and more frequently in the House. In their turn these arguments produce new rays which go back to the ordinary people. In this way there is a constant assimilation of opinion"⁽¹⁾ This successful method of educating public opinion was never found in Egypt. The relations with regard to public matters, between members of Parliament and their constituents were usually non-existent after the electoral campaign was over. Discussions and debates in Parliament hardly came to the knowledge of the common person. Means of conveying news of these activities were either in the hands of the government as the State Broadcasting system, or under censorship as the case was with newspapers. In addition, social conditions, specifically illiteracy and poverty caused the function of Parliament to educate the public opinion to be a failure. To prove that Parliament never paid attention to public opinion, it seems appropriate to quote the Reporter of the Standing Committee of

(1) Jennings, W.I.: Parliamentary reform, pp.18-19

Legislative Affairs in his reply to criticism of the legislation of illegal earnings. He said: Last, but not least there was the

"Dr. Nour El Din said that this legislation not being retrospective, appears incomplete to public opinion. This is right; but down with legislation which submits in its framing to the public opinion. If we follow the layman there will be no legislation to be promulgated. The layman demands heads for any slight error; shall we emulate him? Shall we pass our legislation contrary to the Constitution for the satisfaction of the layman? We are a legislative body responsible for every word, and even for every letter, of legislation. Therefore if we make mistakes we are held responsible for them. In legislating I do not care for public opinion, but only frame it in accordance with the general principles of legislation....."⁽¹⁾

The failure of the Chamber of Deputies to perform its functions has already been indicated and one should enquire as to the causes of that failure. First of all it seems that the inherent cause was the non-representative character, if one may say so, of the Chamber. The electoral system resulted in a Parliament which did not correspond with the structure of the country it was representing. The dictatorship of the Cabinet and its practice of treating any serious criticism in the Chamber, as an attack on itself to be resisted by the whole strength of the majority it commanded, formed the second factor. This resulted

(1) Majlisu 'n-Nuwwāb: op.cit. X-ii, S.43, p.46

in the Chamber becoming a body to give only consent to and approval of the Cabinet's actions. Last, but not least there was the omnipotence of the majority. One could say that strong, efficient Opposition never existed inside the Chamber. If any kind of opposition seemed to gather strength it was undermined by the majority. This led to the practice of the withdrawal from the sitting of any dissatisfied group, as a sign of protest.

Constitution was rather an advanced system in view of the political comprehension of the people and their social and economic conditions.

The introduction of the parliamentary system in Egypt was the ultimate result of the 1919 Revolt. But this Revolt flared up with the aim of ridding the country of the British Occupation and without any conception whatever of the system of government to be applied in Egypt after the achievement of the objective of the Revolt. Accepting these facts, as well as the fact that the Revolt was an expression of the Egyptian national spirit, the failure of the 1919 Revolt is self evident.

Instead of the struggle for the independence of Egypt being continued, a parliamentary system was imported from Europe. Democracy, which has developed and flourished in the West, is not a political doctrine for exportation to other countries. That system, in order to be successful, should evolve and develop within the community to which it is applied. Not only was the political structure in Egypt caused with the application of a foreign political

CONCLUSION

The foregoing study shows that the parliamentary system, as it functioned in Egypt between 1924 and 1952, was not a success. This failure was due to various inter-related factors.

In spite of the fact that prior to the introduction of the parliamentary system in 1924, semi-parliamentary government had been found in Egypt, the democratic concept as emphasised by the 1923 Constitution was rather an advanced system in view of the political comprehension of the people and their social and economic conditions.

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doctrine, but also the Constitution, which provided for the parliamentary system, was drawn up on the pattern of the Belgian Constitutions. No allowance was made in view of the great differences between the social, economic and political conditions of Egypt and Belgium. Therefore, the basic factor leading to the unsuccessful working of democracy in Egypt, is the unfitness of the parliamentary system, as described by the 1923 Constitution, to match the conditions of the country.

The position of Britain with relation to the institutions of government in Egypt, supplies another cause of the failure of the working of parliamentary institutions. The continual interference of Britain in Egypt's internal political affairs, especially before the conclusion of the 1936 Treaty, is manifest. That interference did not stop with the conclusion of that treaty; the influence exerted by Britain on parliamentary institutions in Egypt continued, though in a disguised shape.

The problem of the settlement of Anglo-Egyptian relations pushed all political potentialities in Egypt towards one object. All political activities were concentrated on attempts to settle Egypt's relation with Britain. Political parties and groups exploited the nationalist tendencies of the people by directing their attention to this one aspect of the political problem of Egypt. All efforts were made to solve a problem which did not concern Egypt only, while nothing was done for the promotion of democratic government. Politicians did not try to tackle the internal political and social problems,

and the mass of the people found their interest and satisfaction in the question of the achievement of the national aspirations.

There was no solid ground in Egyptian society for the development of varying political parties. Their programmes were alike, and they did not differ on matters of policy. Moreover, they differed slightly in the methods they followed to achieve their ends. The challenge between different political parties was only motivated by their determination to reach the seats of the mighty.

The Wafd, which enjoyed continuously the support of the mass of the people, originated with the 1919 Revolt. The activities and programmes of that party were mainly drawn on a pattern to satisfy the national sentiments of the people. Although it showed some democratic inclinations, the Wafd did not contribute to the development of parliamentary government in Egypt.

In their opposition to the Wafd, other political parties really derived their power from the King, and did not have much popular support. All political parties, including the Wafd, were an important factor in the failure of representative government in Egypt. They did not try to educate public opinion, promote the political consciousness of the people, and bring to their attention and understanding the different problems of the country.

Although the King was non-responsible, and was not entitled to practice as full authority as he did, he was the point of focus of the political system in Egypt. This special position of the King

was due not only to the fact that the Constitution itself was ambiguous and conferred on the sovereign an extensive authority, but to the fact that other political institutions did not check effectively the practice of the prerogatives of the King. If any of these institutions tried to exercise its constitutional rights to control the acts of the King, these attempts came after too long a period of reluctance and revealed only the weakness of these institutions.

The King's right to appoint and dismiss his ministers caused a relative weakness of the Cabinet. On the other hand, his right to dissolve the Chamber of Deputies gave some power to the Cabinet in its relation with Parliament. This means that the omnipotence of the Cabinet appeared only when it faced the people and their representatives. However, this power of the Cabinet was derived from the autocracy of the King.

The Cabinet's weakest spot was its inability to frame far-seeing and stable policies. This was not due only to the inefficient party system, but was also the natural outcome of the short life of the Cabinet. This short life was the result of the interference of the King in dismissing or demanding the resignation of the Cabinet, or by foreign interference, but hardly by the will of the people expressed through their representatives. The Cabinet did not face any criticism from Parliament. Actually Parliament functioned to ratify the Cabinet's actions whether in the administrative or legislative fields.

The weakness of Parliament was very obvious. The basic reason of that weakness is the electoral system according to which members of Parliament were elected. It resulted from the fact that Parliament did not constitute in miniature the society which it represented. No representatives of the working classes were found amongst members of Parliament. The so-called representatives of the people were mainly from social classes which had interests conflicting with the mass of the people. This situation was due not only to the social framework in Egypt, but it was also created by the interference of the administration in the running of the elections.

Parliament failed to perform its legislative function and to enact laws meeting the social necessities of the country. Its task was merely to give consent to the bills prepared by the Cabinet, and to those private member's bills which gained the consent of the Cabinet. The Senate, however, succeeded in acquiring more legislative authority than it possessed under the Constitution, and its predominance over the Chamber of Deputies was manifest.

In performing their function of controlling the Cabinet, both chambers of Parliament were incompetent. The Cabinet exerted influence on both chambers through the rights of the King to nominate two-fifths of the Senators and to dissolve the Chamber of Deputies. Sometimes the powerful majority which the governing party had in Parliament, helped the Cabinet to keep both chambers under its influence.

APPENDIX I (1)

Royal Rescript No.42 for 1923
Establishing a Constitutional System for
The Egyptian State.

We, King of Egypt,

Whereas, since our succession to the throne of our ancestors and our undertaking to guard the trust given to us by Almighty God, all our efforts have constantly been directed towards the well-being of our people and their guidance along the paths leading to the happiness, progress, and achievements enjoyed by free civilised nations; and

Whereas, this aim cannot be truly attained except through the possession of a Constitution similar to the most modern and the most perfect constitutional systems in the world, and so adapted as to ensure to the people a happy, prosperous and absolutely free life, and which will guarantee to them an effective participation in the administration of the country, in the framing of laws and the control of their execution, and which would inspire in the nation a feeling of peace and confidence in its present and its future, safeguarding at the same time the national spirit, the characteristics and distinctions of the nation which are its glorious historical heritage; and

(1) In view of the fact that the available translations are from the French text, which differed in some articles from the Arabic, this translation is from the Arabic text of the Constitution.

ART. Whereas, this realisation has been our dearest wish and the principal object of our endeavours to raise our people to the high level which their intelligence and aptitude rightly warrant and which is in accordance with their glorious past history and which will allow them to maintain with dignity their rightful place amongst the peoples and nations of the civilised world;

We order the following:

Title I - The Egyptian State and the Form of its Government.

ART.1 - Egypt is a sovereign State; it is free and independent, its sovereignty is indivisible and inalienable, and its government is an hereditary monarchy having a representative form.

Title II - Rights and Duties of Egyptians.

ART.2 - Egyptian nationality shall be determined by law.

ART.3 - All Egyptians shall be equal before the law. They shall enjoy equally civil and political rights and shall be equally subject to their public duties and responsibilities without any distinction of race, language, or religion. They alone shall be eligible for appointment to public offices, civil and military; foreigners shall not be eligible for such appointment save in exceptional cases determined by law.

ART.4 - The liberty of the individual shall be guaranteed.

ART.5 - No one may be arrested or detained except in accordance with prescriptions of the law.

ART.6 - No crime and no punishment shall be constituted except by virtue of law. No punishment shall be inflicted except for acts perpetrated after the promulgation of the law which applies to them.

ART.7 - No Egyptian may be expelled from the Egyptian territory. No Egyptian may be prevented from staying in a particular place or be obliged to remain in any specified place except in cases prescribed by law.

ART.8 - Homes shall be inviolable. There shall, therefore, be no entry thereto except under conditions provided by law and in the manner thereby prescribed.

ART.9 - Private property shall be inviolable. Therefore, no one may be deprived of his property except for public use under conditions provided by law and in the manner thereby prescribed, and on condition of his receiving just compensation.

ART.10 - Punishment by complete confiscation of property shall be forbidden.

ART.11 - The secrecy of letters, telegrams, and telephone communications may not be violated except under conditions prescribed by law.

ART.12 - Liberty of Conscience shall be absolute.

ART.13 - The State shall protect the free practice of religions and beliefs in accordance with the customs observed in Egypt, provided such practice shall not disrupt public order and shall not be prejudicial to morals.

ART.14 - Liberty of opinion shall be guaranteed. Every person shall have the right to express his opinion by speech, in writing, by illustration or otherwise within the limits of law.

ART.15 - The Press shall be free within the limits of law, censorship of news shall be forbidden. Administrative reprimand, suspension, or suppression is equally forbidden, except where such a course shall be necessary for the protection of the social order.

ART.16 - No restriction may be imposed upon the free use of any language in private or commercial transactions, in matters of religion, in the press, or in publications of any kind as well as in public meetings.

ART.17 - There shall be freedom of education in so far as it is not contrary to public order and morals.

ART.18 - The regulation of public education shall be by law.

ART.19 - Elementary education shall be compulsory for Egyptian boys and girls. It shall be free in public "makāteb".⁽¹⁾

ART.20 - Egyptians shall have the right of peaceful and unarmed assembly. No police officer may be present at their assembly and notice to the police shall be unnecessary; but this rule shall not apply to public meetings which shall be subject to the provisions of the law. Furthermore, this rule shall not prevent or restrain any measure being taken for the protection of the social order.

(1) "Makāteb" is the plural of "Maktab" which is a special kind of school teaching reading and writing, arithmetic, and the Koran and Islamic religion.

ART.21 - Egyptians shall have the right to form associations. The law shall prescribe the manner in which this right shall be exercised.

ART.22 - Individual Egyptians shall have the right to address themselves to public authorities in concern with problems which confront them and that by petitions bearing their signatures; but the addressing of authorities on behalf of groups shall be by no one except authorised bodies and proper persons.

Title III - Powers

CHAPTER I - General Provisions

ART.23 - All authorities have their source in the people. Their exercise shall be in the manner established by this Constitution.

ART.24 - The legislative power shall be exercised by the King with the concurrence of the Senate and the Chamber of Deputies.

ART.25 - No law shall be promulgated unless it has been ratified by Parliament and sanctioned by the King.

ART.26 - Laws shall be enforceable in all parts of Egypt by virtue of their promulgation at the hand of the King, and such promulgation shall be made known by publication in the "Official Journal".

Laws shall be enforceable in all parts of Egypt immediately their promulgation shall have been made known.

The promulgation of these laws shall be held to be known in all parts of Egypt thirty days after their publication, and this period may be shortened or prolonged by clear provision in these laws.

- ART.27 - The provisions of all laws shall apply only to events subsequent to the date of their coming into effect; they shall have no retrospective effect except as otherwise prescribed by special provision.
- ART.28 - To the King, to the Senate, and to the Chamber of Deputies shall be given the right to initiate all laws with the exception of those imposing or increasing taxation, the right of initiation of which shall reside in the King and in the Chamber of Deputies.
- ART.29 - The executive power shall be exercised by the King within the limits of this Constitution.
- ART.30 - The judicial power shall be exercised by courts of different jurisdiction and degrees.
- ART.31 - The judgements of different courts shall be delivered and executed according to law and in the name of the King.

CHAPTER II - The King and the Ministers

Section 1 - The King

- ART.32.- The Throne of the Kingdom of Egypt is hereditary in the dynasty of Mohamed Ali.

The succession to the Throne shall be according to the regulations established by the Royal Rescript of Sha'ban 15, 1340 (April 13, 1922).

- ART.33 - The King is the supreme head of the State and his person is inviolable.

ART.34 - The King shall sanction laws and promulgate them.

ART.35 - If the King shall deem to be inexpedient the sanction of a bill passed by Parliament, he shall send it back to Parliament within one month for re-examination.

Failure to return it within the said period shall constitute sanction by the King and the law shall thereupon be promulgated.

ART.36 - If a bill be sent back to Parliament within the said period and be again passed by a majority of two-thirds of the members composing each of the two chambers it shall have the force of law and shall be promulgated. If the majority be less than two-thirds, the debate on it shall not be resumed during the same session. If in another session Parliament shall again pass the bill by an absolute majority of votes, it shall become law and shall be promulgated.

ART.37 - The King shall frame all regulations necessary for the execution of laws in a manner that shall not modify or suspend their operation nor dispense with the execution of such laws.

ART.38 - The King shall have the right to dissolve the Chamber of Deputies.

ART.39 - The King may adjourn the sittings of Parliament. Nevertheless, in no case may the adjournment exceed one month, nor may it be repeated during the same session without the consent of both chambers.

ART.40 - The King may, in cases of necessity, convoke Parliament to extraordinary sessions; he may also convoke it if so requested by a petition signed by an absolute majority of members of either

of the two chambers. The King shall pronounce the closure of the extra-ordinary session.

ART.41 - If it should happen between sessions of Parliament, that there should arise the need to take urgent measures which cannot be delayed, the King may issue decrees in that regard which shall have the force of law, provided that they shall not be contrary to the Constitution. Parliament should then be convoked in an extra-ordinary session and these decrees should be submitted to it at its first sitting; if they are not submitted or not approved by either of the two chambers, they shall cease to have the force of law.

ART.42 - The King shall open the ordinary session of Parliament with a speech from the Throne addressed to both chambers meeting together reviewing conditions in the country. Each of the two chambers shall present an address embodying its reply.

ART.43 - The King shall create and confer civil and military titles, decorations and other ranks of honour; and he shall have the right to mint monies in execution of law. He shall, also, have the right of pardon and of commutation of sentence.

ART.44 - The King shall organise public services, and shall appoint and dismiss civil servants according to conditions determined by law.

ART.45 - The King shall proclaim martial law. The proclamation of martial law shall be immediately submitted to Parliament for confirmation or cancellation; if such proclamation be made whilst Parliament is not in session, it should be convoked forthwith.

ART.46 - The King is the supreme commander of land and sea forces; and he shall appoint and dismiss officers, declare war, make peace, and conclude treaties and shall communicate them to Parliament accompanied by suitable explanations as far as the interest and the safety of the State shall allow.

Nevertheless, the declaration of an offensive war may not be made without the consent of Parliament; furthermore treaties of peace, alliance, commerce, navigation, and all treaties which involve any modification in the territories of the State, or any diminution of its rights of sovereignty, or any burdening of the treasury with expenditure, or any prejudice of public or private rights of Egyptians shall not be valid unless and until Parliament shall consent thereto.

In no case shall secret articles in a treaty contradict the published text.

ART.47 - The King may not along with his monarchy of Egypt be the ruler of another state without the consent of Parliament, and deliberations in this regard, in either of the two chambers, shall not take place unless two thirds of the members of such chamber are present; and no resolution shall be valid unless passed by a majority of two-thirds of the members present.

ART.48 - The King shall exercise his powers through the intermediary of his ministers.

ART.49 - The King shall appoint and dismiss his ministers. He shall appoint and recall diplomatic representatives on the advice of the Minister of foreign affairs.

- ART.50 - Before the King shall assume his constitutional powers he shall take the following oath before the two chambers assembled together: "I swear by Almighty God that I shall respect the Constitution and the laws of the Egyptian people, and that I shall maintain the independence of the realm and the integrity of its territories."
- ART.51 - Regents shall not assume office until they have taken before the two chambers assembled together the oath prescribed in the immediately foregoing article with the addition: "and to be faithful to the King."
- ART.52 - On the death of the King the two chambers shall meet by force of law within ten days from the date of the proclamation of death. If the Chamber of Deputies has been dissolved and the date of its convocation stated in the act of dissolution be later than the expiry of the tenth day, the old Chamber shall take up office again until the convocation of the Chamber succeeding it.
- ART.53 - If there shall be no one to succeed the King to the Throne, the King may nominate his successor with the consent of Parliament assembled in congress; and for the validity of its decision an attendance of three-fourths of each of the two chambers and a majority of two thirds of the members present shall be necessary.

ART.54 - In case of a vacancy of the Throne due to the absence of an heir to the King or a successor nominated according to the provisions of the immediately foregoing article, the two chambers shall meet in congress immediately with the force of law to choose a King. This choice must be made within eight days of their meeting; and for its validity an attendance of three-fourths of each of the two chambers and a majority of two-thirds of the members present shall be necessary.

If such choice be not possible within the specified period, the two chambers jointly shall, on the ninth day, proceed to a choice without regard to the number of the members present; and in this case, the choice shall be voted by a relative majority. If the Chamber of Deputies stands dissolved at the moment of a vacancy to the Throne, it shall take up office again until the convocation of the Chamber succeeding it.

ART.55 - From the date of the death of the King until his successor or the Regents take the oath, the constitutional powers of the King shall be exercised by the Council of Ministers in the name of the Egyptian people and on its own responsibility.

ART.56 - At the succession of the King, his civil list and the allocations to the Royal family shall be fixed by law for the duration of his reign: and such law shall also fix the remuneration of the Regents, which will be deducted from the civil list.

Section 2 - The Ministers.

- ART.57 - The Council of Ministers shall supervise the State services.
- ART.58 - No one can be a minister except an Egyptian.
- ART.59 - No member of the Royal family can be a minister.
- ART.60 - The acts of the King in relation to State affairs must, to be effective, be countersigned by the President of the Council of Ministers and the ministers concerned.
- ART.61 - The ministers are collectively responsible to the Chamber of Deputies for the general policy of the government and each is individually responsible for the acts of his own ministry.
- ART.62 - Oral or written commands of the King shall not, under any circumstances, exempt ministers from responsibility.
- ART.63 - Ministers may attend the two chambers and must be heard whenever they wish to speak; they shall have no effective voice in the deliberations unless they are members. They may have the assistance of those whom they may choose from amongst the high ranking officials of their departments, and whom they may also appoint to represent them. Each minister may demand the presence of ministers to its sittings.
- ART.64 - No minister may purchase or rent any state property even by public auction; nor shall he during his term of office be a member of a board of any company nor take any active part in any commercial or financial enterprise.
- ART.65 - If the Chamber of Deputies pass a resolution of no confidence in the ministry, it must resign. If the resolution shall refer to an individual minister, he must resign.

ART.66 - The Chamber of Deputies alone shall have the right to impeach ministers for any crime committed by them in the exercise of their functions, and the resolution of impeachment may only be passed by a majority of two-thirds of votes.

ART.72 - The Special Court of Justice alone shall have the right to try ministers for such crimes. The Chamber of Deputies shall nominate certain of its members to sustain the accusation before that Court.

ART.67 - The Special Court of Justice shall be composed of the President of the high national court, who shall preside, together with sixteen members eight of whom shall be members of the Senate chosen by the drawing of lots and eight of whom shall be Egyptian judges of that court in order of seniority: and in case of necessity the number shall be completed by the inclusion of presidents of tribunals ranking next in order, whom failing, by judges of these courts in order of seniority.

ART.68 - The Special Court of Justice shall apply the penal code to crimes which are covered by its provisions; and a special law shall define such cases of responsibility of ministers as are not covered by the penal code.

ART.69 - Conviction by the Special Court of Justice shall be sustained by a majority of twelve votes.

ART.70 - Until the promulgation of a special law, the Special Court of Justice itself shall lay down the procedure to be followed in the trial of Ministers.

ART.71 - The minister who shall be impeached by the Chamber of Deputies shall be suspended from office until the Special Court of Justice shall have decided his case. His resignation shall not prevent the institution or continuation of his trial.

ART.72 - Pardon of a minister convicted by the Special Court of Justice may not be granted except with the consent of the Chamber of Deputies.

CHAPTER III - Parliament.

ART.73 - Parliament shall be composed of two chambers: a Senate and a Chamber of Deputies.

Section 1 - The Senate.

ART.74 - The Senate shall be composed of a number of members, two-fifths of whom shall be nominated by the King and the other three-fifths shall be elected by universal suffrage according to the electoral law.

ART.75 - Each 'Moudiriah' or Governorate composed of 180,000 inhabitants or more may elect a member for each 180,000 or fraction of that number not less than 90,000. Each 'Moudiriah' or Governorate having less than 180,000 inhabitants but not less than 90,000 may elect a member. Each Governorate of less than 90,000 may elect a member, as long as the electoral law does not attach it to another Governorate or 'Moudiriah'.

ART.76 - Each 'Moudiriah' or Governorate which has the right to elect a member to the Senate shall be considered an electoral

constituency, as shall each part of a 'Moudiriah' or Governorate which has the right to elect a member to that chamber.

Electoral constituencies shall be determined by a law assuring as far as possible the equality of constituencies in 'Moudiriahs' and Governorates having the right to elect more than one member to the Senate. Nevertheless, the law may consider the chief centres of 'Moudiriahs' whose inhabitants do not number 180,000 but are not less than 90,000 to be, each of them, an independent electoral constituency; and in this case, the other parts of the 'Moudiriah' may be considered to be an independent 'Moudiriah' for the purpose of determining the number of members to be elected and for determining the electoral constituencies.

ART.77 - In addition to the conditions laid down by the electoral law, a member of the Senate shall have attained the age of at least forty years according to the Gregorian calendar.

ART.78 - Whether elected or nominated, a member of the Senate shall belong to one of the following categories:

(1) Ministers, diplomatic representatives, Presidents of the Chamber of Deputies, under-secretaries of State, presidents and judges of the Court of Appeals or of any other tribunal of the same or higher dignity, attorneys general, "battoniers" of the order of the advocates, Government officials of the rank of director general and above - whether still in office or retired.

(2) High "ṣulamās" and chief clergymen, retired high-ranking

officers of the rank of "Lewā" or above, Deputies who have served throughout two legislative terms, property owners paying taxes of not less than £E.150 yearly, persons engaged in financial, commercial or industrial enterprises or in professions who have a minimum annual income of £E.1500. All this shall be in accordance with such incompatibility of functions as is provided by this Constitution and the electoral law.

Furthermore, tax and annual income to be regarded in the 'Moudiriah' of Aswan shall be fixed by the electoral law.

ART.79 - The duration of membership of the Senate shall be ten years.

Half of the nominated Senators and half of those elected shall be replaced every five years. Those whose mandate has expired shall be eligible for re-election or re-nomination.

ART.80 - The President of the Senate shall be nominated by the King, and the chamber shall elect two Vice-Presidents. The appointment of the President and Vice-Presidents shall be for two years. They are eligible for re-election.

ART.81 - If the Chamber of Deputies be dissolved, the sittings of the Senate shall be suspended.

Section 2 - The Chamber of Deputies.

ART.82 - The Chamber of Deputies shall be composed of members elected on the basis of universal suffrage according to the provisions of the electoral law.

ART.83 - Each 'Moudiriah' or Governorate whose inhabitants number 60,000 or more may elect a deputy for every 60,000 inhabitants or fraction of that number not less than 30,000. Each 'Moudiriah' or Governorate whose inhabitants do not number 60,000 and are not less than 30,000 may elect a deputy. Every Governorate whose inhabitants do not number 30,000 may elect a deputy as long as the electoral law does not attach it to another Governorate or 'Moudiriah'.

ART.84 - Each 'Moudiriah' or Governorate which has the right to elect a deputy shall be considered an electoral constituency, as every part of a 'Moudiriah' or Governorate which has that same right.

Electoral constituencies shall be determined by a law assuring as far as possible equality of constituencies in 'Moudiriahs' and Governorates which have the right to elect more than one deputy. Nevertheless, the law may consider the chief centres of 'Moudiriahs' whose inhabitants do not reach 60,000 and are not less than 30,000 to be (each of them) an independent electoral constituency.

In such case, other parts of the 'Moudiriah' may be considered to be an independent 'Moudiriah' for the purpose of determining the number of members eligible for election and determining the electoral constituencies.

ART.85 - In addition to the conditions laid down by the electoral law, a Deputy shall have attained the age of at least thirty years according to the Gregorian calendar.

ART.86 - The duration of membership as a deputy shall be five years.

ART.87 - The Chamber of Deputies shall, every year, elect a President and two Vice-Presidents at the commencement of each ordinary session. The President and the two Vice-Presidents shall be eligible for re-election.

ART.88 - If the Chamber of Deputies shall be dissolved for a certain reason, the new Chamber may not be dissolved for the same reason.

ART.89 - The act which provides for the dissolution of the Chamber of Deputies shall provide for the invitation of delegates to hold new elections within two months and for the re-assembly of the new Chamber within the ten days following the completion of the elections.

Section 3 - General Provisions Applying to Both Chambers.

ART.90 - The seat of Parliament shall be Cairo. Nevertheless, in case of necessity its location may be determined by law to be elsewhere; and its convocation in any place other than that so determined shall be legally null and void.

ART.91 - The member of Parliament shall represent the whole nation. Neither the electors nor the power which nominates him may place him under any obligation to be their delegate for a specific purpose.

ART.92 - No one may combine membership of the Senate with that of the Chamber of Deputies. Apart from this, the electoral law shall determine other cases of incompatibility.

ART.93 - Princes and Kinsmen of the Royal family may be nominated members of the Senate, but they may not be elected to either chamber.

ART.94 - Before assuming office, members of the Senate and the Chamber of Deputies shall swear to be loyal to country and King, to obey the Constitution and laws of the country and to carry out their duties conscientiously.

The oath shall, in each chamber, be publicly administered in its hall of assembly.

ART.95 - Each chamber shall be competent to judge the validity of the mandate of its members. A mandate may not be considered invalid except by a resolution passed by a majority of two-thirds of the votes.

A law may confer this power on another authority.

ART.96 - The King shall convoke Parliament annually in ordinary session before the third Saturday in November. If it be not so convoked, it shall meet with full authority on that date.

The ordinary session shall last for at least six months; the King shall proclaim its closure.

ART.97 - Sessions shall be the same for both chambers; if either or both shall meet outwith the legal period, such meeting shall be illegal and resolutions passed shall be null and void by force of law.

ART.98 - Sittings of both chambers shall be public, but either of them may meet in secret session at the request of the Government

or of ten members; it shall then decide whether deliberations on the subject to be discussed should take place in public sitting or not.

ART.99 - Neither of the two chambers may pass a resolution unless a majority of its members are present at the sitting.

ART.100 - Except in cases where a special majority is required, resolutions shall be passed by an absolute majority, and where the number of votes shall equal, the resolution shall be held to be rejected.

ART.101 - Votes shall be given either orally or by standing and sitting.

With bills in general, and a question of confidence in the Chamber of Deputies, votes shall always be given by roll call of names of the members in audible voice. Ministers shall always have the right to demand from the Chamber of Deputies an adjournment for eight days of the discussion of a motion of no confidence in them.

ART.102 - Every bill, before being discussed, shall be referred to a committee of the chamber for examination and report.

ART.103 - Every bill presented by one or more members shall be referred to a committee for examination and decision as to whether the chamber shall consider it or not. If then the chamber shall decide to consider it, the provisions of the previous article shall be followed.

ART.104 - Neither chamber may pass a bill unless it has been voted on clause by clause. Both chambers shall have the right to amend and divide clauses and propose amendments.

ART.105 - Every bill passed by one of the two chambers, shall be transmitted by its President to the President of the other chamber.

ART.106 - Every bill initiated by one of the members and rejected by Parliament, may not be presented again in the same session.

ART.107 - Every member of Parliament has the right to address to ministers questions or interpellations and that in such manner as shall be determined by the 'Standing Orders' of each chamber; the discussion of any interpellation may not proceed until after eight days from its presentation except in case of urgency and with the consent of the minister.

ART.108 - Each chamber has the right to institute an enquiry for its enlightenment upon specific matters coming within its competence.

ART.109 - Members of Parliament may not be held culpable on account of opinions expressed or votes given by them in the Chambers.

ART.110 - During a session, no criminal indictment may proceed against a member of Parliament, nor may he be arrested except with the consent of the chamber to which he belongs or when taken in "flagrante delicto".

ART.111 - No ranks or decorations shall be conferred upon members of Parliament during the period of their membership. Excepting

from this members who hold public offices compatible with membership of Parliament, and excepting also military ranks and decorations.

ART.112 - No one may be dismissed from membership of Parliament except by a resolution passed by the chamber to which he belongs. The resolution must, in cases other than those of incompatibility and forfeiture, as provided by this Constitution and the electoral law, be passed by a majority of three-fourths of the members who compose the chamber.

ART.113 - If a vacancy in a seat of a member of Parliament shall occur by death or resignation or through any other cause, the choice of a successor shall be by way of nomination or election according to circumstances, and that within two months from the date when Parliament shall notify the Government of the vacancy. The mandate of the new member shall not extend beyond the date of expiry of his predecessor's term of office.

ART.114 - General elections for the renewal of the Chamber of Deputies shall be held within the sixty days preceding the expiry of its mandate; and in the event of it being impossible to hold these elections within the said period, the mandate of the old Chamber shall be prolonged until the date of the said elections.

ART.115 - One half of the Senate shall be renewed whether by election or by nomination within the sixty days preceding the date of expiry of the mandate of the retiring members. If such renewal within the said period be impossible, the mandate of those

members whose term of office has ceased shall be prolonged until the election or nomination of the new members.

ART.116 - It is not permitted to any one to petition Parliament in person. Each chamber may refer to ministers petitions which are addressed to it; and these ministers shall provide all relevant information concerning such petitions when asked by the chamber so to do.

ART.117 - Each chamber, acting through its President, has the sole right to maintain order within itself.

No armed force may enter the chamber or be posted near its doors except on the demand of its President.

ART.118 - Every member of Parliament shall receive an annual remuneration which shall be fixed by law.

ART.119 - Each chamber shall frame its own Standing Orders determining the manner in which it may exercise its functions.

Section 4 - Provisions Relevant to Meetings of Parliament in Congress.

ART.120 - In addition to the instances in which both chambers meet together according to law, they shall meet in congress on convocation by the King.

ART.121 - When both chambers meet together in congress the presidency shall reside in the President of the Senate.

ART.122 - Resolutions of the congress shall not be valid unless there is present an absolute majority of members of each of the two chambers composing the congress. When voting on these resolutions, congress shall comply with the provisions of articles 100 and 101.

ART.123 - The meeting of both chambers in congress during ordinary or extra-ordinary sessions of Parliament shall not impede either chamber in the continuation of its constitutional functions.

CHAPTER IV - The Judicial Power

ART.124 - Judges shall be independent, they shall in arriving at their judgements be influenced by no authority other than the law and no governmental authority may intervene in legal processes.

ART.125 - The organisation of judicial bodies and the definition of their competence shall be determined by law.

ART.126 - Judges shall be appointed in the manner and according to the conditions provided by law.

ART.127 - Limits and conditions of the irremoveability and non-dismissal of judges shall be fixed by law.

ART.128 - The appointment and dismissal of public prosecutors appearing in various courts shall be in accordance with conditions provided by law.

ART.129 - The sittings of courts shall be in public, unless a court shall order its proceedings to be held in camera in the interest of public order and morality.

ART.130 - Everyone accused of a crime shall have someone to defend him.

ART.131 - A special law shall regulate the organisation and competence of military courts, as also the qualifications required of those who dispense justice in them.

CHAPTER V - Provincial and Municipal Councils

ART.132 - Provinces, towns and villages shall in the exercise of their rights be considered to be proper persons in accordance with public law and under conditions provided by law.

They shall be represented by provincial councils and different municipal councils.

The law shall define the limits of their competence.

ART.133 - The organisation of provincial councils and of different kinds of municipal councils, as also their competence and their relation with government departments shall be determined by laws. In these laws the following principles shall be observed:

(1) The choice of members of such councils by election, save in exceptional cases in which the law may permit the nomination of some non elected members.

(2) The competence of these councils to deal with all that concerns the province, the town or the district without prejudice to the approval of their acts in circumstances defined by and in the manner provided by laws.

(3) The publication of their budgets and accounts.

(4) Publicity of meetings within the limits provided by law.

(5) The intervention of the legislative or executive power to prevent these councils from exceeding the limits of their authority or endangering public interests, and the annulment of any act of this nature.

Title IV - Finance

ART.134 - No tax may be imposed, modified or abrogated except by law. No person may be obliged to pay any assessments or duties except within the limits of law.

ART.135 - No one may be exempted from the payment of taxes except in cases provided for by law.

ART.136 - No pension, indemnity, subsidy or reward can be paid by the Treasury except within the limits of law.

ART.137 - No public loan or obligation to burden the Treasury for one or more subsequent years may be contracted without the consent of Parliament.

Any concession having for its object the utilization of one of the natural resources of the country, or one of the public services, and any monopoly may be granted only by law and for a fixed period.

The previous consent of Parliament shall be necessary for the construction or demolition of railways, public roads, canals, drains, and all works of irrigation which concern more than one province, and every gratuitous alienation of State property.

ART.138 - The Budget, embodying the State revenue and expenditure, shall be submitted to Parliament at least three months before the beginning of the financial year for examination and approval. The financial year shall be fixed by law.

The Budget shall be voted on item by item.

- ART.139 - The discussion and vote on the Budget shall be held first in the Chamber of Deputies.
- ART.140 - The session of Parliament may not be closed before the vote on the Budget has been taken.
- ART.141 - Items in the Budget allotted to the payment of instalments of the public debt may not be modified in a manner prejudicial to Egypt's commitments in that regard. The same provision shall also apply to every expenditure listed in the Budget for execution of an international obligation.
- ART.142 - If the law embodying the Budget be not promulgated before the beginning of the financial year, the preceding Budget shall operate until the promulgation of a law embodying the new Budget.
- ART.143 - Nevertheless, if the two chambers shall have passed some items of the Budget, such items may be put into provisional operation.
- ART.143 - Every expenditure not embodied in the Budget, or any expenditure exceeding the estimates embodied therein, must be sanctioned by Parliament. Its sanction must also be granted when the transference of funds from one item of the Budget to another is necessary.
- ART.144 - The final accounts of the department of finance for the immediately preceding year shall be presented for approval by Parliament at the beginning of each ordinary session.

ART.145 - The Budget embodying the revenue and expenditure of the Ministry of Wakfs, and its final accounts, shall be subject to the foregoing provisions made with regard to the Budget and final accounts of the Government.

Title V - The Armed Forces.

ART.146 - The component units of the Army shall be fixed by law.

ART.147 - The law shall determine the method of recruiting, the organisation of the army and the rights and duties of its personnel.

ART.148 - The law shall determine the organisation and authority of the police forces.

Title VI - General Provisions.

ART.149 - Islam is the religion of the State, and Arabic is its official language.

ART.150 - Cairo is the Capital of the Kingdom of Egypt.

ART.151 - The extradition of political refugees shall be forbidden and that without prejudice to international agreements having as their object the protection of social order.

ART.152 - Amnesty may not be granted except by law.

ART.153 - The law shall regulate the manner in which the King shall exercise his authority in accordance with the principles laid down in this Constitution with regard to religious foundations, the nomination of religious chiefs, the religious endowments entrusted to the management of the Ministry of Wakfs, and in

general all matters concerning religions tolerated in the country. If legislative provisions shall not have been effected, the exercise of such powers shall be continued according to the usages and traditions existing at the present time.

The prerogatives which the King personally exercises as head of the Royal family shall continue to be governed by law No.25 of 1922 regulating the status of the Royal family.

ART.154 - No prejudice shall result through the application of this Constitution to the obligations of Egypt towards foreign States, nor shall it affect any rights which foreigners in Egypt may have acquired by law, international treaties and recognised traditions.

ART.155 - Under no pretext shall any of the provisions laid down by this Constitution be suspended except temporarily in time of war or during the existence of martial law and in the manner fixed by law.

Nevertheless, meetings of Parliament may not be suspended so long as conditions established by this Constitution for its convocation are fulfilled.

ART.156 - To the King and to each of the two chambers shall appertain the right to propose the amendment of this Constitution either by modifying or abrogating one or more of its provisions, or by adding other provisions; nevertheless, no amendment of the provisions relative to the form of the representative parliamentary government, to the order of the succession to the

Throne, and the principles of liberty and equality guaranteed by this Constitution shall be capable of proposal.

ART.157 - For the amendment of the Constitution, each chamber shall pass a resolution as to its necessity and substance by an absolute majority of all its members.

And if the King shall sanction this resolution, then the two chambers, acting in agreement with the King, shall pass enactments with regard to those matters which come within the scope of the amendment; and the discussion in each of the two chambers shall not be in order unless two-thirds of the members are present, and resolutions shall be valid only when they are passed by a majority of two-thirds of the votes.

ART.158 - No amendment of the Constitution on any question as to the rights of the King may take place during a regency.

(1)
ART.159 - The provisions of this Constitution shall apply to the Kingdom of Egypt without the least prejudice to Egypt's rights in the Sudan.

Title VII - Final and Temporary Provisions.

(2)
ART.160 - The title which the King of Egypt shall bear shall be decided after the authorised delegates have fixed the definite status of the Sudan.

(1) This article was amended in October 1951 to read as follows:
ART.159 - "The provisions of this Constitution shall apply to all the Egyptian Kingdom. Although Egypt and the Sudan are one nation, the regime of rule in the Sudan shall be defined by a special law."

(2) This article was also amended in October 1951 to read:
ART.160 - "The King shall be titled the King of Egypt and of the Sudan."

- ART.161 - The civil list of the present King shall amount to £E.150,000 and the sum allocated to the Royal family shall be £E.111,512, and these shall remain so fixed during his reign and may be increased by a resolution of Parliament.
- ART.162 - The choice of members of the Senate to retire at the end of the first five years shall be made by the drawing of lots; and the mandate of these Senators and elected Deputies for the first legislative term shall expire on October 31, 1928.
- ART.163 - This Constitution shall come into effect as from the date of the convocation of Parliament.
- ART.164 - The principles and procedures to be followed in the administration of the affairs of the State and relative legislation from the date of the publication of this Constitution to the time when Parliament shall be convoked, shall be those now existing. Nevertheless, it shall be necessary to observe that actions taken shall not be contrary to the fundamental principles embodied in this Constitution.
- ART.165 - The Budget for the financial year 1923-1924 shall be submitted to Parliament when convoked; the Budget law for the said year shall have effect only for the remainder of the year from the date of its publication.
- ART.166 - The final accounts of the department of finance for the year 1922-23 shall be held to be approved by Parliament in the form in which they shall have been approved by the Council of Ministers.

ART.166 - If there shall be prolonged disagreement between the two chambers as to the approval of one of the items in the Budget, it shall be settled by a resolution of both chambers meeting in congress by an absolute majority of votes.

ART.170 - Such provision shall be in operation until the issue of a law to its contrary.

ART.167 - All provisions of laws, decrees, orders, regulations, and resolutions, and all acts performed and measures taken in the past in accordance with rules and usages then existing, shall remain effective on condition that their execution is in harmony with the principles of liberty and equality which are guaranteed by this Constitution; and all this, without prejudice to the right of the legislative power to abrogate or modify them within the limits of its power, on condition that this shall not affect the principles provided in Article 27 with regard to the non-retrospective effect of laws.

ART.168 - The provisions of law No.28 of 1922 concerning the liquidation of the estates of the ex-Khedive, Abbas Hilmy Pasha, and restricting his rights shall be considered to have constitutional character and no proposal for their amendment shall be competent.

ART.169 - Laws which should have been presented to the Legislative Assembly according to the second article of the decree of

"Zil Qihdah 28, 1332" (October 18, 1914) shall be presented to both chambers of Parliament in first session. If they are not presented to them in that session, they shall cease to operate in all time coming.

ART.170 - Our Ministers are charged, each in so far as it concerns himself, with the execution of this Constitution.

Signed at Abdin Palace, 'Ramadan 3, 1341'
(April 19, 1923)

FUAD.

General Elections	Number of Registered Voters	Number of Valid Votes	Percentage of Registered Voters	Percentage of Valid Votes
1924 (1)	69,000	62,500	90	81
1925 (2)	75,000	72,300	96	91
1926	1,252,171	1,234,300	98	98
1929	1,360,377	1,042,500	76	76
1931 (3)	149,794	143,700	96	96
1936	1,120,477	1,042,300	93	93
1938	1,003,385	1,777,573	177	177
1943	2,234,547	1,273,470	57	57
1945	1,234,000	1,770,300	143	143
1950	4,120,679	2,490,000	60	60

- (1) The data from which this table is prepared was obtained through personal investigation from the Department of General Elections and Secretariats, Ministry of the Interior, Cairo, Egypt.
- (2) They were indirect elections. The first ballot was to elect delegates each of whom represented 30 voters; these delegates in their turn were to elect the members of the Chamber.
- (3) It was also an indirect election, but each of the delegates represented 30 of the electors.

APPENDIX II

TABLE I

ELECTORATES' PARTICIPATION IN ELECTIONS ⁽¹⁾

General Elections	Number of Registered Votes	Number of Votes Cast	Percentage	Number of Represented Votes	Percentage
1924 ⁽²⁾	69,689	67,504	96	42,222	61
1925 ⁽²⁾	75,784	72,353	96	46,528	61
1926	1,792,171	1,135,264	64	812,854	42
1929	1,566,377	1,002,662	64	613,870	39
1931 ⁽³⁾	45,794	43,706	90	37,639	82
1936	2,120,477	1,261,330	59	783,778	37
1938	3,003,326	1,779,893	59	1,410,254	47
1942	2,234,647	1,271,496	57	862,775	39
1945	3,234,042	1,770,238	54	1,332,688	41
1950	4,126,879	2,496,208	61	1,547,248	37

(1) The data from which this table is prepared was obtained through personal investigation from the Department of General Elections and Secretariate, Ministry of the Interior, Cairo, Egypt.

(2) They were indirect elections; the first ballot was to elect delegates each of them representing 30 votes; these delegates in their turn were to elect the member of the Chamber.

(3) It was also an indirect election, but each of the delegates represented 50 of the electorate.

TABLE II

487.

ELECTORAL AND PARLIAMENTARY STRENGTH OF PARTIES. (1)

Elections	Party	Number of Candidates	Votes Obtained	%	Seats Actually Obtained	%	Seats Proportional to % of Votes	Excess or Deficit
1924	Wafd	219 ⁽²⁾	33,354	49.4	179	84.9	104	+ 75
	Lib.Consts.	112	16,690	24.7	20	9.5	52	- 32
	National	43	5,103	7.6	7	3.2	16	- 9
	Independents	107	12,357	18.3	5	2.4	39	- 34
1925	Wafd	186	31,482	46.8	113	53.6	99	+ 14
	Lib.Consts	78	13,771	20.4	40	19.0	43	- 3
	National	24	2,931	4.4	7	3.2	9	- 2
	Unionist	87	11,465	17.0	29	13.8	36	- 7
	Independents	64	7,693	11.4	22	10.4	24	- 2
1926	Wafd	192	771,737	68.0	171	81.0	144	+ 27
	Lib.Consts.	73	216,025	19.0	29	13.7	40	- 11
	National	19	22,136	2.0	5	2.4	4	+ 1
	Unionist	75	70,643	6.2	1	0.5	13	- 12
	Independents	52	54,723	4.8	5	2.4	10	- 5

(1) The data from which this table is prepared was obtained through personal investigation from the Department of General Elections and Secretariate, Ministry of the Interior, Cairo, Egypt.

(2) Eight of these candidates, though they were adherents of the Wafd, were not officially nominated as that Party's candidates.

TABLE II (Continued)

488.

Elections	Party	Number of Candidates	Votes Obtained	%	Seats Actually Obtained	%	Seats Proportional to % of Votes	Excess or Deficit
1929	Wafd	228	610,461	60.9	216	93.1	141	+ 75
	Lib.Consts.	22	189,014	18.8	5	2.2	44	- 39
	National	12	30,880	3.1	4	1.7	7	- 3
	Unionist	17	49,437	4.9	-	-	12	- 12
	Independents	28	122,870	12.3	7	3.0	28	- 21
1931	National	14	1,904	4.3	8	5.3	6	+ 2
	Unionist	58	10,351	23.8	40	26.7	36	+ 4
	People's	137	25,286	58.1	84	56.0	87	- 3
	Independents	63	5,768	13.2	18	12.0	20	- 2
	Others	4 ⁽¹⁾	277	0.6	-	-	1	- 1
1936	Wafd	277 ⁽²⁾	794,966	62.1	190	81.9	144	+ 46
	Lib.Consts.	42	157,454	12.3	15	6.5	29	- 14
	National	5	20,275	1.6	4	1.7	3	+ 1
	Pop.Unionist	51	174,535	13.6	14	6.0	32	- 18
	Independents	54	133,855	10.4	9	3.9	24	- 15
1938	Wafd	223	111,106	6.2	14	5.3	16	- 2
	"Kaumyoun" ⁽³⁾	119	755,951	42.6	105	39.8	113	- 8
	Saadist	111	451,146	25.4	87	32.9	67	+ 20
	Independents	139	455,835	25.8	58	22.0	68	- 10

- (1) They were one Wafdist and three Liberal Constitutionalists who participated in the election in spite of the fact that the two political parties to which they adhered boycotted that election.
- (2) Amongst them forty-five were not official candidates of the Party.
- (3) The "Kaumyoun" was a political front composed of the Liberal Constitutionalist Party, the National Party and the People's Unionist Party.

TABLE II (Continued)

489.

Elections	Party	Number of Candidates	Votes Obtained	%	Seats Actually Obtained	%	Seats Proportional to % of Votes	Excess or Deficit
1942	Wafd	270	738,675	58.3	232	87.9	154	+ 78
	National	7	18,687	1.5	5	1.9	4	+ 1
	Independents	213	276,070	21.8	14	5.3	57	- 43
	Others(1)	24	233,590	18.4	13	4.9	49	- 36
1945(2)	Lib.Consts.	145	427,899	24.3	75	28.4	64	+ 11
	National	23	67,700	3.8	7	2.6	10	- 3
	Saadist	232	739,717	42.0	126	47.8	110	+ 16
	"Kotla"	126	354,570	20.1	18	6.8	54	- 36
	Independents	253	173,485	9.8	38	14.4	26	+ 12
1950	Wafd	296	1,357,206	54.5	226	70.8	174	+ 52
	Lib.Consts.	108	293,444	11.8	27	8.5	38	- 11
	National	16	37,512	1.5	6	1.9	5	+ 1
	Saadist	170	406,693	16.3	28	8.8	52	- 24
	"Kotla"	39	14,803	0.6	-	-	2	- 2
	Socialist	3	16,499	0.7	1	0.3	2	- 1
	Independents	345	362,587	14.6	31	9.7	45	- 15

- (1) Although the Saadist and Liberal Constitutionalist Parties boycotted that election, yet some of their members participated in it. They are referred to as "others".
- (2) The Wafd boycotted these elections. It is worth noticing that the four parties agreed on the division of the electoral constituencies into what was known as "open" and "closed" constituencies. The latter were those which were devoted to these four parties in such a way that only one candidate of these four parties was to be nominated. Actually other candidates of political parties other than the one to which a constituency was devoted contested the election under disguised independence. The above mentioned figures showing the number of candidates and the number of effective votes refers to those so-called "independents" who masked their political tendencies and party colours as they were in fact and as they appeared after the declaration of the results of the election.

TABLE III

CLASSIFICATION OF MEMBERS OF THE CHAMBER OF DEPUTIES
ACCORDING TO EDUCATION. (1)

Elections	University Education		Non-University Education	
	Number	Percentage	Number	Percentage
1924	79	37.7	132	62.6
1925	84	39.7	127	60.2
1926	90	42.7	121	57.3
1929	102	44.0	130	56.0
1931	39	26.0	111	74.0
1936	110	47.4	122	52.6
1938	109	41.3	155	58.7
1942	109	41.3	155	58.7
1945	115	43.6	149	56.3
1950	139	43.6	180	56.3

- (1) This table is prepared according to results reached through personal investigation, and with the help of material obtained from the Secretariate of the Chamber of Deputies, Cairo.

TABLE IV

CLASSIFICATION OF MEMBERS OF THE CHAMBER OF DEPUTIES
ACCORDING TO OCCUPATION. (1)

Election	Landlords		Businessmen		Lawyers		Doctors		Ex. Civil		Servants		Others	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
1924	117	55.4	13	6.2	33	15.6	13	6.2	32		15.2		3	1.4
1925	140	66.3	15	7.1	32	15.2	9	4.3	14		6.6		1	0.5
1926	127	60.2	14	6.6	39	18.5	8	3.8	19		9.0		4	1.9
1929	130	56.0	15	6.5	47	20.2	8	3.5	25		10.8		7	3.0
1931	114	76.0	7	4.6	10	6.7	1	0.7	17		11.3		1	0.7
1936	144	62.0	14	6.0	38	16.4	9	3.9	24		10.5		3	1.2
1938	173	65.5	30	11.3	23	8.7	11	4.3	24		9.1		3	1.1
1942	158	59.9	19	7.2	55	20.8	9	3.4	17		6.4		6	2.3
1945	168	63.6	26	9.9	27	10.2	12	4.6	22		8.3		9	3.4
1950	201	63.0	28	8.8	56	17.6	8	2.5	22		6.9		4	1.2

(1) This table is prepared according to results reached through personal investigation and the help of material obtained from the Secretariate of the Chamber of Deputies, Cairo.

B I B L I O G R A P H Y

I - ARABIC WORKS

1. Aḍ-Ḍustūru'l-Misri wa Qānūnu'l-Intikḥāb, October 22, 1930
(The Egyptian Constitution and the electoral law, October 22, 1930)
Al-Maṭba'atu'l-Amiriyah,
Cairo, (1933)
2. Al-Ahwānī, A.M.: Ra'isu'd-Dawlah fi'n-Nizāmi'd-dimogrāti
(The head of the State in the democratic system)
Thesis submitted to the Faculty of Law,
Fuad University, Cairo. (1945)
3. Al-Barāwī, R.: Harakatu'l-Inqilābi'l-Akhīri fi Misr.
(The military coup d'Etat in Egypt)
Maktabatu'n-Nahḍati'l-Misriyah,
Cairo, (1952)
4. Al-Sawādī, M.: Al-Barlamānu fi'l-Mizān.
(Parliament on the balance)
Cairo, (1942)
5. Al-'Aqqād, A.M.: Sa'd Zaghlūl: Sirah wa Tahiyah.
(Saad Zaghlul: Biography)
Maṭba'at Hijāzī,
Cairo, (1936)
6. Al-'Arabī, M.A.: "Islāhu'l-Idārati'l-Hukūmiyah fi Misr"
(The reform of the administrative machine in Egypt)
Article in "Al-Qānūn wa l-Iqtisād," Vol.IV, No.5,
(May, 1934)
7. Al-'Imarī, A.S.: "Tanzīhu'd-Dustūru'l-Misri li-Yatamashā Ma'a'l-Mabādi'l-Iqtisādiyyati'l-Hadithah."
(Amending the Egyptian Constitution to match the modern economic principles)
A Stencilled Article,
Cairo, (1952)
8. Al-'Urābī, A.Z.: Mī'ādu Ijra'i'l-Qur'ah li'l-Tajdidīn-Nisfi fi Majlisi'sh-Shuyūkh.
(The Time of the renewal of the Senate)
Edt. Majlisu'sh-Shuyūkh, Al Maṭba'atu'l-Amiriyah
Cairo, (1950)

9. A'r-Rāfi'ī, A.R.: A th-Thawratu'l-^ḥUrābiyah |
(The Revolution of Uraby)
Maktabatu'n-Nahḍati'l-Misriyah,
Cairo, (1949)
10. A'r-Rāfi'ī, A.R.: Asr Ismā'il.
(The Reign of Ismail) two volumes.
Maktabatu'n-Nahḍati'l-Misriyah,
Cairo, (1948)
11. A'r-Rāfi'ī, A.R.: Fi A^ḥqqābi^ḥth-Thawratil-Misriyah
(Consequences of the Egyptian Revolution)
three volumes.
Maktabatu'n-Nahḍati'l-Misriyah,
Cairo.
Vol.I (1947); Vol.II (1949); Vol.III (1951)
12. A'r-Rāfi'ī, A.R.: Muhammad Farid
Maktabatu'n-Nahḍati'l-Misriyah,
Cairo, (1950)
13. A'r-Rāfi'ī, A.R.: Mustafa Kamil
Maktabatu'n-Nahḍati'l-Misriyah,
Cairo, (1950)
14. A'r-Rāfi'ī, A.R.: Thawratu Sanat 1919
(The Revolution of 1919) two volumes
Maktabatu'n-Nahḍati'l-Misriyah,
Cairo, (1946)
15. A'r-Rifā'ī, A.H.: A^ḥd-Darā'ibu'l-Mubāshirah
(Direct taxation)
Maṭba'at 'Abdullah Wahba,
Cairo, (1942)
16. A'sh-Sharīf, M.: Ala Hāmishi'd-Dustur
(Comments on the Constitution)
Cairo, (1938)
17. Al-Kutlatu'l-Wafdiyyah wa Barnāmājuha
(The Wafdist Block and its programme)
Cairo, (No date)
18. 'Abdul-Hādī, I.: Khitāb 13 Nowember 1949
(The address on the occasion of
November 13, 1949)
Cairo, (1949)

19. 'Abdul-Wahhāb, I.: Mudhakkirah fī Muddati 'a'dā'i Majlisi 'sh-Shuyūkh 'ani'd-Dawā 'iri'l-latti Zīdat taba'an li-ta'dādi sanati 1947
(Memorandum on the term in office of the Senators elected by the constituencies established according to the 1947 census)
Edt. Majlisu'sh-Shuyūkh
Al-Maṭba'atu'l-Amīriyah,
Cairo, (1950)
20. 'Allūbah, M.A.: Mabādi' fī's-Siyāsati'l-Misriyah
(Principles of Egyptian Politics)
Cairo, (1942)
21. Bahā' u'd-Dīn, A.: Fārūq Malikan
(Faruk A King)
Cairo, (1952)
22. Biḥairī, 'A.: Al-Mawsū'atu'l-Maliyah
(Encyclopaedia of Finance), Vol.I
Maktabatu'n-Nahdati'l-Misriyah,
Cairo, (1953)
23. Ghurbāl, M. Sh.: Tārikhu'l-Mufāwadati'l-Misriyati'
l-Britāniyah
(A history of Anglo-Egyptian negotiations)
Vol.I
Maktabatu'n-Nahdati'l-Misriyah,
Cairo, (1952)
24. Haykal, M.H.: Mudhakkarāt fī's-Siyāsati'l-Misriyah
(Memoirs about Egyptian politics) Vol.I.
Maktabatu'n-Nahdati'l-Misriyah,
Cairo, (1944)
25. Haykal, M.H.: Mudhakkirah Tafsīriyah 'an Tafsiri'd-
Dustūr fī Tatbiq Mawādihi 76, 79 & 84
(Explanatory memorandum about the interpretation of the Constitution and the application of its Articles: 76, 79 & 84)
Edt. Majlisu'sh-Shuyūkh,
Al-Maṭba'atu'l-Amīriyah,
Cairo, (1950)
26. Haykal, M.H.: Tarājim Misriyah wa-Gharbiyah
(Egyptian and Western Biographies)
Maṭba'atu'l-Siyassah,
Cairo, (No date)

27. Hizb Miṣr Al-Ishtrāki: Barnāmajū'l Hizb wa lā'ihatuhu
(The Socialist Party of Egypt:
The programme and statute of the party)
Cairo, (1950)
28. Ibrāhim, W.: "Ma'alladhī Yurādu bi Qānūnī'l-Intikhāb"
(What is meant for the electoral law)
Article in "Al-Ahrām" (9.6.1952)
29. Ibrāhim, W.: "Ta'dīlu Qānūnū'l-Intikhāb"
(The amendment of the electoral law)
Article in "Akhir Laḥzā"
(May 16, 1952)
30. Itlihādu Bintu'n-Nīl: Ahdāfu'l-Ittihādu
(The Union of the Daughter of the Nile:
Objects of the Union)
Cairo, (No date)
31. Ittihādu Bintu'n-Nīl: Al-Kitābu'l-Abiyad Li Huqūqī'l-
Mar'atī's-Siyassiyah
(The Union of the Daughter of the Nile:
The White Book about the political
rights of Women)
Cairo, (no date)
32. 'Id, M.: Nizāmu'l-Intikhāb Fi't-Tashrī'i'l-Misri
wa'l-Muqāran
(The electoral system in Egyptian and
comparative legislation)
Cairo, (1941)
33. Kāmil, F.: Al-Awdā'u'l-Barlamāniyah
(Parliamentary Procedures)
Maṭba'at Daru'l-Kutub
Cairo, (1927)
34. Khalīl, 'U.: Al-Qānūnū'l-Idāri
(Administrative Law) 2 Volumes
Daru'l-Fikri'l-'Arabi,
Cairo, (1950)
35. Madkūr, I. & Ghālī, M.: Al-Adātu'l-Hukūmiyah
(Governmental Machine)
Daru'l Fussul li'l-Nashr,
Cairo, (1945)

36. Mahādir Lajnatu'l-Thalāthīn
(Minutes of the Committee of the Thirty)
Cairo, (1922)
37. Mahir, A.: Khitāb 13 November 1938
(The address on the occasion of November 13, 1938)
Cairo, (1938)
38. Majlisu'n-Nuwwāb: Al-Lā'ihatu'd-Dākhiliyah
(The Chamber of Deputies: The rules of the Procedure)
Al-Matba'atu'l-Amiriyah,
Cairo, (1948)
39. Majlisu'n-Nuwwāb: Majmū'atu Madābiti'l-jalasāt *
(The Chamber of Deputies: Collection of the minutes of the sittings)
Al-Matba'atu'l-Amiriyah,
Cairo.
IX - v. November 1948-August 1949. (1950)
X - i. January - July 1950. (1951)
X - ii. November 1950-October 1951. (1952)
X -iii. November 1951-February 1952. (1952)
40. Majlisu'sh-Shuyūkh: Al-Lā'ihatu'd-Dākhiliyah
(The Senate: The Rules of the Procedure)
Al-Matba'atu'l-Amiriyah,
Cairo, (1948)
41. Majlisu'sh-Shuyūkh: Al-Lā'ihatu'd-Dākhiliyah Ma'a'l-Mabādi' wa'l-Ta'liqāt
(The Senate: The Rules of the Procedure with the principles and comments)
Al-Matba'atu'l-Amiriyah,
Cairo, (1939)
42. Majlisu'sh-Shuyūkh: Majmū'atu'l-Marāsimi's-Sādirah
Fi Sanāwat 1941, 1942, 1944, 1945, 1950
(The Senate: Collection of the Decrees issued in 1941, 1942, 1944, 1945 and 1950)
Al-Matba'atu'l-Amiriyah,
Cairo, (1950)
43. Mandūr, M.: A'd-Dimogrātiyatu's-Sigāssiyah
(Political Democracy)
Cairo, (1953)

* Reference to the minutes of the Chamber of Deputies is made to indicate the numbers of the legislative term, of the legislative session, the sitting and the page.

44. Mitwalli, A.H.: Muhādarah 'An Mushkilati Islāh Nizāmu'l-Intikhāb Fi Misr
(A lecture on the problem of electoral reform in Egypt)
Daru'l-Nashri Li'l-Jāmi'āti'l-Misriyah, Cairo, (1953)
45. Qānūnu'l-Hay'ati's-Sa'diyyah
(The statute of the Saadist Party)
Cairo, (No date)
46. Qānūnu'l-Intikhāb
(The electoral law)
Al-Matba'atu l-Amiriyah, Cairo, (1948)
47. Qānūn Hizbu'l-Ahrāri'l-Dustūriyyin
(The statute of the Liberal Constitutionalist Party)
Cairo, (1949)
48. Ra'fat, W.: "Al-Islāhu'l-Intikhābi"
(Electoral Law)
Two Articles in "Al-Ahram",
(June 5 & 6, 1952)
49. Ra'fat, W.: Al-Qānūnu'l Idārī
(Administrative Law)
Maṭba'atu'l-'Ulūm, Cairo, (1938)
50. Ra'fat, W. & Ibrāhīm, W.: Al-Qānūnu'd-Dustūri
(Constitutional Law)
Al-Maṭba'atu'l-'Assriyah, Cairo, (1937)
51. Sabri, A.: Al-Qānūnu'd-Dustūri
(Constitutional Law)
Maktabat Abdullah Wahba, Cairo, (1949)
52. Sabri, A.: "Ta'dīlu Nizāmi Majlisu'd-Dawlah"
(The amendments of the rules of the Council of the State)
Article in "Al-Ahrām" (27.11.1952)
53. Sabri, A. & 'Id, M.: Al-Hassāntu'l-Barlamāniyah
(Parliamentary Inviolability)
Al-Maṭba'atu'l-Amiriyah, Cairo, (1944)

54. Shafiq, A.: A'mālī Ba'da'l-Mudhakkirāt
(My works after my memoirs)
Matba'at Miṣr,
Cairo, (1941)
55. Shafiq, A.: Hawliyyātu Miṣr's-Siyāsiyah
(Chronological History of Egyptian Politics)
Matba'at Shāfiq,
Cairo,
Vol.II, (1927); Vol.III, (1928);
Vols. I & II, (1928)
56. Shafiq, A.: Mudhakkarāti fi Nisfi Qarn
(My memoirs in half a century)
Matba'at Miṣr,
Cairo, (1941)
57. Sidqī, I.: Mudhakkarāti
(My memoirs)
Dāru'l-Hilāl,
Cairo, (1950)
58. Subhī, M.Kh.: Tarikhu'l-Hayāti'l-Niyābiyah fi Miṣr
(History of Parliamentary life in Egypt)
Matba'at Dāru'l-Kutub,
Cairo, (1947)
59. Tusūn, 'U.: Mudhakkarah Bimā Sadar 'Annā Mundhu
Fajri'l-Harakati'l-Wataniyah Min 1918 elā 1928
(Memorandum about our actions since the dawn
of the Nationalist Movement, 1918-1928)
Cairo, (1942)
60. 'Urābi, A.: Mudhakkarat 'Urābi
(The Memoirs of Uraby), 2 Volumes
Kibātu'l-Hilāl,
Cairo, (1953)
61. Wahidah, S.: Fi 'Usūli'l-Mas'alati'l-Misriyah
(The Principles of the Egyptian Problem)
Maktabati'l-Anglo El-Miṣriyah,
Cairo, (1950)

II - ENGLISH AND FRENCH WORKS

1. Abushady, A.Z.: Egypt's dilemma
Synopsis of lecture delivered at the
"Culture Circle" Alexandria on March 15, 1938.
Co-operation Press, (1938)
2. Adams, C.C.: Islam & Modernism in Egypt
Oxford University Press,
London, (1938)
3. Alexander, J.: The truth about Egypt
Cassel & Co.Ltd.
London, (1911)
4. Alexander, M.: "Left and right in Egypt"
Article in the "Twentieth Century"
Vol. CLI, No.900 (February 1952)
5. Amad, E.S.: La question d'Egypte 1841-1938
"Les Editions Internationales"
Paris, (1938)
6. Arminjon, P.: "L'experience constitutionnelle et
parliamentaire de l'Egypte"
Article in "La Revue de Paris"
(June 1929)
7. Awad, F.T.: La souveraineté égyptienne et la
déclaration de 28 février 1922
Librairie de la Cour d'Appel et de l'ordre
des avocats
Paris, (1935)
8. Awad, M.: "Egypt, Great Britain and the Sudan"
Article in the "Middle East Journal",
Vol.I, No.3.
(July 1947)
9. Ayrout, H.H.: Moeurs et contumes des fellahs
Pauyot,
Paris, (1938)
10. Badaoui, Z.: Les problems du travail et les organisations
ouvrieres en Egypte.
Société des Publications Egyptiennes,
Alexandria, (1948)

11. Bagehot, W.: The English constitution
Oxford University Press, London, (1949)
12. Barker, E.: Reflections on government
Oxford University Press, London, (1948)
13. Blunt, W.S.: The secret history of the English Occupation of Egypt
T. Fisher Unwin, London, (1907)
14. Bonne, A.: State and economics in the Middle East
Kegan Paul, Trench, Trubner & Co.Ltd., London, (1948)
15. Bonne, A.: The economic development of the Middle East; an outline of planned reconstruction after the war
Kegan Paul, Trench, Trubner & Co.Ltd., London, (1945)
16. Bowley, A.L.: Elements of statistics
P.S. King & Son, Ltd., London, (1937)
17. Brockelmann, C.: History of the Islamic people
Routledge & Kegan Paul Ltd., London, (1949)
18. Bryce, J.: Modern democracies. 2 Volumes
Macmillan & Co.Ltd. London, (1929)
19. Campion, G.: An introduction to the procedure of the House of Commons
Macmillan & Co.Ltd. London, (1947)
20. Carr, E.H.: International relations since the peace treaties
Macmillan & Co.Ltd. (1945)
21. Celikbas, F.: "La participation de la femme à la vie politique en Turquie"
HC/W/8, International Political Science Association, The Hague Congress, (September 1952)

22. Centre d'Etudes De Politique Etrangere: L'Egypte independente
Paul Hartmann,
Paris, (1938)
23. Chirol, V.: The Egyptian problem
Macmillan & Co.Ltd.
London, (1920)
24. Colombe, M.: L'evolution de l'Egypte, 1924-1950
G.P. Maisonneuve et Cie.,
Paris, (1951)
25. Corry, J.A.: Democratic government and politics
The University of Toronto Press,
Toronto, (1946)
26. Cromer, Earl of: Modern Egypt, Volume II,
Macmillan & Co.Ltd.,
London, (1908)
27. Crossman, R.H.S.: "Egypt's nine just men"
Article in the New Statesman and Nation,
Vol. XLV, No.1141
28. Crouchely, A.E.: The economic development of modern Egypt
Longmans, Green & Co.Ltd.,
London, (1938)
29. Daniels, S.R.: The case for electoral reform
George Allen & Unwin,
London, (1938)
30. Doreste, F.R. & P.: Les constitutions modernes, Vol. V.
Librarie du Recueil Sirey,
Paris, (1933)
31. Davis, H.M.: Constitutions, electoral laws, treaties
of the States of the Near and Middle East
Duke University Press,
Durham, (1947)
32. Dimock, M.E.: Modern politics and administration
American Book Co.
London, (1937)
33. Dutcher, G.M.: The political awakening of the East
The Abingdon Press,
New York, (1925)

34. Duverger, M.: Les partis politiques
Librarie Armand Colin,
Paris, (1951)
35. Duverger, M.: "Rapport general sur la participation des
femmes a la vie politique"
HC/W/1 International political Science
Association
The Hague Congress,
(September, 1952)
36. Duverger, M.: "The influence of the electoral system on
political life"
Article in the "International Social Science
Bulletin", Vol. III, No.2, (September 1951)
37. Ebeid, W.M.: Complete independence versus the Milner
scheme
London, (1921)
38. "Egypt, A Kingdom"
Article in the "Round Table" Vol. XVIII
(1927-1928)
39. "Egypt and the Sudan"
Article in the "Round Table" Vol. XIV, No.56,
(September, 1924)
40. "Egypt, the Background of Negotiations"
Article in the "Round Table" Vol. XXVI
(1935-1936)
41. Elgood, P.G.: Egypt
Modern States Series, No. VII.
Arrowsmith,
London, (1936)
42. Elgood, P.G.: Egypt and the army
Oxford University Press,
(1924)
43. Elgood, P.G.: The transit of Egypt
Edward Arnold & Co.
London, (1928)
44. El-Emary, A.S.: "La participation de la femme a la vie
politique en Egypte"
HC/W/10, International Political Science
Association
The Hague Congress,
(September 1952)

45. Exchange of Notes relating to proposals of an Anglo-Egyptian Settlement
Cmd. 3376, H.M.S.O.
London, (1929)
46. Fahmy, M.H.: The legal principles governing the international status of Egypt
Thesis presented to the University of London,
(1927)
47. Fay, R.W.: Episodes in Anglo-Egyptian relations
Cairo, (1940)
48. Field, G.L.: Governments in modern society
McGraw-Hill Book Co. Inc.
New York, (1951)
49. Finer, H.: The theory and practice of the modern government. 2 Volumes
Methven & Co.Ltd.
London, (1932)
50. Fitzsimons, M.A.: "Britain and the Middle East, 1944-1950"
Article in the "Review of Politics"
Vol.13, No.1.
(January, 1951)
51. Florence, P.S.: The statistical method in economics and political science
Kegan Paul, Trench, Trubner & Co.Ltd.,
London, (1929)
52. Forsey, E.A.: The Royal power of dissolution of Parliament in the British Commonwealth
Oxford University Press,
Toronto, (1943)
53. Ghosh, R.C.: Constitutional developments in the Islamic World
Shaikh Muhammad Ashraf,
Lahore, (1941)
54. Gibb, H.A.R.: "Anglo-Egyptian relations. A revaluation"
Article in the "International Affairs"
Vol. XXVII, No.4, (October 1951)

55. Gibb, H.A.R.: "Egypt"
An Address to the "United Empire"
(March-April 1952)
56. Gibb, H.A.R.: Modern trends in Islam
The University of Chicago Press,
Chicago, (1947)
57. Gosnell, H.F.: "Proportional representation"
Article in the "Encyclopaedia of Social
Sciences" Vol.XII
London, (1934)
58. Gosnell, H.F.: "Voting"
Article in the Encyclopaedia of Social
Sciences" Vol.XV
London, (1934)
59. Graves, P.P.: "The Egyptian elections"
Article in the "Nineteenth Century"
Vol. CXXIII, No. DCCXXV,
(May, 1938)
60. Graves, P.P.: "The story of the Egyptian crisis"
Article in the "Nineteenth Century"
Vol. CXXIII, No.DCCXXXIII,
(March, 1938)
61. Handly, W.J.: "Labour movement in Egypt"
Article in the "Middle East Journal"
(July, 1950)
62. Harris, M.: Egypt under the Egyptians
Chapman & Hall Ltd.,
London, (1925)
63. Hassan, A.M.: A comparative study of income taxes in
Britain, Egypt and France
Thesis presented to the University of
Edinburgh.
(1952)
64. Hassan, A.M.: "State expenditure in Egypt"
Article in the "Bulletin" issued by the
Egyptian Education Bureau, London, No.45
(May-June, 1950)
65. Hayter, W.: Recent constitutional developments in Egypt
Cambridge University Press,
(1924)

66. Heyworth-Dunne, J.: Religious and political trends in modern Egypt
Published by the Author, Washington, (1950)
67. Hocking, W.E.: The spirit of world politics. With special studies of the Near East.
The Macmillan Co. New York, (1932)
68. Hourani, A.H.: Minorities in the Arab world
Oxford University Press, (1947)
69. Hourani, A.H.: "The decline of the West in the East"
Article in the "International Affairs"
Vol. XXIX, No.1. (January 1953)
70. Howell, J.M.: Egypt's past, present and future
Service publishing Co. Ohio, (1929)
71. Issawi, C.: Egypt, an economic and social analysis
The Royal Institute of International Affairs
London, (1947)
72. Jennings, W.I.: Parliamentary reform
Victor Gollancz Ltd. London, (1934)
73. Kamel, M.: Le regime democratique et parlementaire
Thesis presented to Fuad University,
Cairo, (1939)
74. Keen, B.A.: The agricultural development of the Middle East
A report to the Director of the Middle
East Supply Centre, 1945. H.M.S.O.
London, (1946)
75. Kelly, D.: The ruling few. Or the human background of Diplomacy
Hollis and Carter, London, (1952)
76. Kimche, J.: Seven fallen pillars. The Middle East, 1915-1950
Secker & Warburgh, London, (1950)

77. Kohn, H.: A history of nationalism in the East
George Routledge & Sons Ltd.,
London, (1929)
78. Kohn, H.: Nationalism and imperialism in the
Hither East
George Routledge & Sons Ltd.,
London, (1932)
79. La Chambre des Deputes: Comptes rendus analytiques des
seances
L'imprimerie "La Patrie", Le Caire
VII - iv, November 1940-October 1941 (1942)
VII - v, November 1941 - January 1942 (1942)
VIII - i, March - September 1942 (1943)
VIII - ii, November 1942-July 1943 (1944)
VIII -iii, November 1943-August 1944 (1944)
IX - i, January - August 1945 (1946)
Extraordinary Session, October 8-15, 1945 (1946)
IX - ii, November 1945-July 1946 (1947)
IX -iii, November 1946-July 1947 (1948)
IX - iv, November 1947-July 1948 (1949)
80. Laird, J.: The device of government
The University Press,
Cambridge, (1944)
81. Lambelin, R.: L'Egypte et l'Angleterre vers
l'indépendance. De Mohamed Ali
au Roi Fouad
Bernard Grasset,
Paris, (1922)
82. Landau, J.: Parliamentary institutions and
political parties in Egypt, 1866-1924
Thesis presented to the University
of London,
(1949)
83. Lane, E.W.: The manners and customs of the modern
Egyptians
Everyman's Library,
London, (1861)
84. Laoust, M.H.: L'evolution politique et culturelle
de l'Egypte contemporaine
in la Centre d'Etudes de politique
etrangere: Entretiens sur l'evolution
des pays de civilisation arabe, Vol.I
Paul Hartmann,
Paris, (1939)

85. Laski, H.J.: A grammar of politics
George Allen & Unwin Ltd., London, (1948)
86. Laski, H.J.: Democracy in crisis
George Allen & Unwin Ltd., London, (1934)
87. Laski, H.J.: Parliamentary government in England
George Allen & Unwin Ltd., London, (1950)
88. Laski, H.J.: Studies in law and politics
George Allen & Unwin Ltd., London, (1932)
89. Lees-Smith, H.B.: Second chambers
George Allen & Unwin Ltd., London, (1923)
90. Leith-Ross, F.: "Financial and economic development in Egypt"
Article in the "International Affairs"
Vol.XXVIII, No.1. (January 1952)
91. Lipson, L.: The politics of equality. New Zealand's adventures in democracy
The University of Chicago Press, Chicago, (1948)
92. Lloyd, Lord: Egypt since Cromer, 2 Volumes
The Macmillan Co.Ltd., London (1933-1934)
93. Loewenstein, K.: Political reconstruction
The Macmillan Co.Ltd., New York (1949)
94. Majumdar, B.B.: Principles of political science and government
Mondal Brothers & Co.Ltd., Calcutta, (1938)
95. Malik, C.: "The Near East: The search for the truth"
Article in "Foreign Affairs", Vol.XXX, No.2
(January, 1952)
96. Mallory, W.H.: Political Handbook of the World, 1940
Harper & Brothers, New York (1940)

97. Mallory, W.H.: Political Handbook of the World, 1950
Harper & Brothers,
New York, (1950)
98. Marriott, J.A.R.: Second Chambers. An inductive study in political science
The Clarendon Press,
Oxford, (1927)
99. Marriott, J.A.R.: The mechanism of the modern state. 2 Vols.
Oxford University Press,
Oxford, (1927)
100. Marshall, J.E.: "The solution of the Egyptian problem"
Article in the "Quarterly Review"
Vol. CCXLIX
(October 1927)
101. Mellor, A.R.I.: "The Egyptian riddle"
Article in the "Nineteenth Century" Vol. CVIII
(October 1930)
102. Merriam, C.E. & Gosnell, H.F.: Non-voting. Causes and methods of control
The University of Chicago Press,
Chicago, (1924)
103. Merton, A.: "Constitutionalism in Egypt"
Article in the "Contemporary Review"
Vol. CXXXIX
(January 1931)
104. Mill, J.S.: Consideration on representative government
Basil Blackwell,
Oxford, (1946)
105. Ministere des finance et des affaires economiques:
Memento economique, l'Egypte
Press Universitaires de France,
Paris, (1950)
106. Ministry of Social Affairs:
Social welfare in Egypt
Societe Orientale de publicite
Cairo, (1950)
107. Ministry of Social Affairs:
The Egyptian social security scheme
Government Press,
Cairo, (1950)

108. Morris-Jones, W.H.: "The Indian Elections"
Article in "The Political Quarterly"
Vol. XXIII, No.3
(July-September 1952)
109. Montague, R.: "Modern Nations and Islam"
Article in the "Foreign Affairs"
Vol.30, No.4
(July 1952)
110. Mou-Cho, L.: De la condition internationale de
l'Egypte depuis la declaration Anglaise
de 1922
Imprimerie Bosc Freres & Riou,
Lyon, (1925)
111. MacIver, R.M.: The Modern State
Oxford University Press,
London, (1950)
112. Naguib, M.A.: Nature juridique du conflit Anglo-
Egyptien relatif a l'indépendance
de l'Egypte declaree le 28 Fevrier 1922
Librairie des Sciences Politiques et
Sociales,
Paris, (1933)
113. Namek, Y.S.E.: The social and economic aspects of the
population problems in Egypt
Thesis submitted to the University of
Edinburgh.
(1951)
114. National Bank of Egypt: 1898-1948:
A brief record of the history of the
Bank during fifty years. For private
circulation.
Cairo, (1949)
115. Newman, E.W.P.: Britain and North East Africa
Hutchinson & Co.Ltd.
(1940)
116. Newman, E.W.P.: "Egypt"
Article in the "Contemporary Review"
Vol. CXXXVIII,
(November 1930)
117. Newman, E.W.P.: Great Britain in Egypt
Cassel & Co.Ltd.,
London, (1925)

118. Newman, E.W.P.: The Mediterranean and its problems
A.M. Philsot Ltd.,
London, (1927)
119. Odegard, P.H. &
Helms, E.A.: American politics, a study in political
dynamics
Harper & Brothers,
New York, (1947)
120. Ogg, F.A.: English government and politics
The Macmillan Company,
New York, (1947)
121. Ogg, F.A.: European governments and politics
The Macmillan Company,
New York, (1935)
122. Ogg, F.A. &
Zink, A.: Modern Foreign governments
The Macmillan Company,
New York, (1949)
123. O'Rourke, V.A.: "The British position in Egypt"
Article in the "Foreign Affairs" Vol.14
(July, 1936)
124. O'Rourke, V.A.: The juristic status of Egypt and the Sudan
The John Hopkins Press,
Baltimore, (1935)
125. Osman, A.: Le mouvement constitutionnel en Egypte
et la constitution de 1923
Jouve & Cie,
Paris, (1925)
126. Papers regarding negotiations for a treaty of alliance
with Egypt: Cmd. 3050
H.M.S.O.
London, (1928)
127. Papers regarding the negotiations for a revision of the
Anglo-Egyptian treaty of 1936. Cmd. 7179
H.M.S.O.
London, (1947)
128. Papers regarding the recent negotiations for an Anglo-
Egyptian settlement, March 31 - May 8, 1930. Cmd. 3575.
H.M.S.O.
London, (1930)

129. Papers respecting the proposed Egyptian law regulating public meetings and demonstrations. Cmd. 3097
H.M.S.O.
London, (1928)
130. Peaslee, A.J.: Constitutions of Nations, Vol.I
The Rumford Press,
Concord, N.H. (1950)
131. Porrit, E.: Unreformed House of Commons.
Parliamentary representation before 1832,
Vol.I
University Press,
Cambridge, (1903)
132. Prest, A.R.: War economics and primary producing countries
University Press,
Cambridge, (1947)
133. Raafat, W.: Le crise du régime parlementaire et le
renforcement de l'exécutif. (1923-1933)
Marcel Giraud,
Paris, (1937)
134. Ransome, A.: "The history of the Egyptian crisis"
Article in the "Manchester Guardian"
(30.3.1925)
135. Report of the special mission to Egypt, 1921. Cmd.1131
H.M.S.O.
London, (1921)
136. Rifaat, M.: The awakening of modern Egypt
Longmans, Green & Co.
London, (1947)
137. Robson, W.A.: "Compulsion voting"
Article in the "Political Science Quarterly"
Vol. XXXVIII, No.7
(December 1923)
138. Roosevelt, K.: Arabs, oil and history
Victor Gollancz Ltd.
London, (1949)
139. Rothstein, TH.: Egypt's ruin: A financial and administrative
record.
A.C. Fifield,
London, (1910)

140. R.I.I.A.: Great Britain and Egypt, 1914-1936
Chatham House,
London, (1936)
141. R.I.I.A.: Great Britain and Egypt, 1914-1951
Royal Institute of International Affairs,
London, (1952)
142. R.I.I.A.: Memorandum on a study of the working of
democratic institutions of government in Egypt
Information Department,
Royal Institute of International Affairs,
London, (1931)
143. R.I.I.A.: Memorandum on the Anglo-Egyptian Relations,
1914 to the present day
Information Department,
Royal Institute of International Affairs,
London, (1931)
144. R.I.I.A.: The Middle East. A political and economic survey
Royal Institute of International Affairs,
London, (1950)
145. Russell, T.: Egyptian Service, 1902-1946
John Murray,
London, (1949)
146. Sablier, E.: "Comment on perd un trône"
Article in "Le Monde"
(13 August, 1952)
147. Sabry, E.S.: Le pouvoir législatif et le pouvoir
exécutif en Egypte
Albert Mechelomich,
Paris, (1930)
148. Sabry, E.S.: "Les partis politiques sont les fondements
du régime parlementaire"
Article in "La Bourse Egyptienne"
(6 December, 1949)
149. Sabry, M.: La révolution Egyptienne d'après des
documents authentiques et des photographes
prises en cours de la révolution. 2 Vols.
Paris, Vrin, (1919-1921)
150. Saleh, D.: Les pouvoirs du roi dans la constitution
Egyptienne.
R. Pichou et R. Durand-Huzias,
Paris, (1939)

151. Schmitz, P.: La politique de violence de l'Angleterre dans la vallee du Nil
Berlin, (1943)
152. Setton-Williams, M.V.: Britain and the Arab States
Luzac & Company, Ltd., London, (1948)
153. Shafiq, A.: L'Egypte moderne et les influences Etrangeres
Imprimerie Misr, Cairo, (1931)
154. Shah, I.A.: Fuad, King of Egypt
Herbert Jenkins, Ltd., London, (1936)
155. Shepard, W.J.: "Suffrage"
Article in the Encyclopaedia of Social Sciences, Vol.XIV, London, (1934)
156. Strong, C.F.: Modern Political Constitutions
Lidgwich & Jackson, Ltd., London, (1949)
157. Symons, M.T.: Britain and Egypt, the rise of Egyptian nationalism
Cecil Palmer, London, (1925)
158. The Egyptian Green Book: Records of conversations, notes and papers exchanged between the Royal Egyptian Government and the United Kingdom Government. (March 1950-November 1951)
Edit. Ministry of Foreign Affairs, Cairo, (1951)
159. Thomson, D.: Democracy in France
Oxford University Press, London, (1952)
160. Von de Bosch, F.: Vignt annees d'Egypte
Librairie Acedemique Perrin, Paris, (1932)
161. Warriner, D.: Land and poverty in the Middle East
The Royal Institute of International Affairs, London, (1948)

162. Wavell, Lord: Allenby in Egypt
Harrip, London, (1943)
163. Wells, S.: Where are we heading?
Hamish Hamilton, London, (1947)
164. Yeghen, F.: Saad Zaghlul, le père du peuple Egyptien
Des Cahiers de France, Paris, (1937)
165. Young, G.: Egypt
Ernest Benn Ltd., London, (1930)
166. Youssef, A.: Independent Egypt
John Murray, Albemarle Street, London, (1940)
167. Zahida, H.P.: "The political rights of women in Syria"
HC/W/12 International Political Science
Association
The Hague Congress, (September, 1952)
-